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IN RE THE MEETING OF THE )  
BAY-DELTA ADVISORY COUNCIL )  
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**ORIGINAL**

TRANSCRIPT OF PROCEEDINGS  
Sacramento Convention Center  
13th and K Streets, Room 204  
Sacramento, California 95814

Thursday, April 10, 1997 at 9:41 a.m.

REPORTED BY: SUSAN PORTALE, CSR NO. 4095, RPR, CM

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PORTALE & ASSOCIATES DEPOSITION REPORTERS  
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Stockton, California 95202  
(209) 462-3377

1 COUNCIL MEMBERS:

2 MICHAEL MADIGAN, Chairman, California Water  
3 Commission

4 LESTER SNOW, Executive Director

5 ERIC HASSELTINE, Contra Costa Council

6 ALEX HILDEBRAND, South Delta Water Agency

7 TOM MADDOCK, California Chamber of Commerce

8 BOB RAAB, Save San Francisco Bay Association

9 RICHARD IZMIRIAN, California Sportfishing  
10 Protection Alliance

11 DON BRANSFORD, Glenn-Colusa Irrigation District

12 ROGER STRELOW, Beveridge & Diamond

13 ROSEMARY KAMEI, Santa Clara Valley Water  
14 District

15 DAVID GUY, California Farm Bureau Federation

16 TOM GRAFF, Environmental Defense Fund

17 PIETRO PARRAVANO, Pacific Coast Federation of  
18 Fishermen's Association

19 MARCIA BROCKBANK, San Francisco Estuary Project

20 ROBERT MEACHER, Regional Council of Rural  
21 Counties

22 PATRICK WRIGHT, Designated Federal Official -  
23 Bureau of Reclamation

24 RAY REMY, Los Angeles Area Chamber of Commerce

25 LELAND LEHMAN, California Waterfowl Association

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COUNCIL MEMBERS: (cont'd)

HOWARD FRICK, Friant Water Authority/Arvin  
Edison Water Supply District

TIB BELZA, Northern California Water Association

MARY SELKIRK, East Bay Municipal Utility  
District

MIKE STEARNS, San Luis Delta Mendota Water  
Authority

MARCIA SABLAN, City of Firebaugh

ANN NOTTHOFF, Natural Resources Defense Council

MICHAEL MANTELL, Designated State Official - The  
Resources Agency

STUART PYLE, Kern County Water Agency

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1 (All parties present, the following proceedings were  
2 had at 9:41 a.m.):

3

4 CHAIRMAN MADIGAN: Good morning. We are  
5 going to ask you to take your seats.

6 Well, the hour of 9:30 having arrived and  
7 despite whatever problems there were on I-80 we appear to  
8 be on the cusp of a quorum so we will attempt to get  
9 underway here.

10 This is the noticed Thursday, April 10, 1997  
11 meeting of the Bay-Delta Advisory Council.

12 It's nice to see everybody. Before we get  
13 underway on the substantive issues of the day there are  
14 some procedural matters that need to be mentioned.

15 At this moment the next BDAC Meeting is  
16 schedule for Thursday, May 22nd in Sacramento at the  
17 convention center here. It's my understanding that that  
18 will, among other things, allow us to see the completed  
19 reviews of the various alternatives.

20 Patrick Wright is here today representing  
21 Roger Patterson from the Club-FED group and Patrick's title  
22 these days is regional manager of Club-FED.

23 We have settled on that, and it gives him the  
24 official standing that he needs to represent the Federal  
25 Government here today and it's nice to have Patrick with

1 us.  
 2 There is information that you have both  
 3 received in the mail and perhaps a few things that you  
 4 haven't.  
 5 You have your BDAC packets here and for members  
 6 of the public who haven't received everything or perhaps  
 7 feel like you haven't received everything there are also  
 8 packets available at the back table.  
 9 Lunch will again be served to the members of  
 10 the BDAC downstairs.  
 11 Do you know what room at this point, Lester?  
 12 EXECUTIVE DIRECTOR SNOW: No.  
 13 CHAIRMAN MADIGAN: Okay. We'll tell you  
 14 the room number by the time we get there but probably in  
 15 the same general location as previously and, of course,  
 16 there are a number of establishments within the general  
 17 area for members of the public.  
 18 If as a member of the general public you wish  
 19 to speak on an individual item today, I will always have an  
 20 opportunity during the discussion item for you to do so and  
 21 as usual would ask you to fill out a speaker card at the  
 22 registration table so that we have the correct spelling of  
 23 your names so that we have some ability to call you at  
 24 midnight and harass you if we didn't like what you said.  
 25 For those of you who have general comments

1 collaborations that can be beneficial to this process in  
 2 terms of identifying the issues which can in turn been  
 3 brought into public meetings for debate and resolution  
 4 versus outside discussions that can either as an intention  
 5 or a side effect limit public debate so we hope to be able  
 6 to define that so it's more clear what our prospective is  
 7 on these outside deliberations and, again, to kind of draw  
 8 the distinction that those outside discussions that focus  
 9 issues that then can be debated in public are exceptionally  
 10 beneficial to us, anything that happens outside without the  
 11 benefit of public scrutiny to limit discussion or limit the  
 12 alternatives that are discussed in public are probably not  
 13 beneficial.  
 14 So, again, I apologize for not getting that  
 15 memo completed today. However, we'll issue that within the  
 16 next week.  
 17 CHAIRMAN MADIGAN: Questions?  
 18 (No response)  
 19 Okay. Thanks, Lester.  
 20 The next item is a report from our legal  
 21 counsel on the question of conflict of interest.  
 22 And this has arisen because a number of you  
 23 have individually contacted Mary regarding the possibility  
 24 of conflict, either because of jobs or positions you hold  
 25 or financial interests that you may or may not have in

1 there will be an opportunity at the end of the meeting and  
 2 we would ask the same thing, that you fill out a speaker  
 3 card so we have the appropriate information available.  
 4 We would also encourage all of you who have  
 5 things to say and to add to the discussions going around  
 6 here to provide those comments in writing and as always  
 7 that helps us a great deal.  
 8 That same thing would be true for members of  
 9 the BDAC and a number of you are very good about that.  
 10 We've added a new item at the beginning of the  
 11 Agenda simply labeled "Chairs Report" and that will enable  
 12 us to deal with various procedural issues as they come up.  
 13 And there are a couple of them today.  
 14 And the first is going to be actually a report  
 15 from Lester regarding an issue raised at the last meeting  
 16 relative to input to the CalFed program.  
 17 Lester.  
 18 EXECUTIVE DIRECTOR SNOW: Yeah.  
 19 You may recall in the first discussion we had  
 20 last week was how people can provide input and how they can  
 21 collaborate amongst themselves and that sort of activity  
 22 and I'm actually in process of finishing a memo to  
 23 distribute to Bay-Delta Advisory Council as well as  
 24 different interest groups that have participated to try to  
 25 draw the distinction between the kinds of outside

1 outcomes around here.  
 2 Mary is in the process of preparing definitive  
 3 information in that regard, but I guess that I would ask  
 4 Mary today if you could give us a general summary of the  
 5 situation and then as soon as you've completed your work  
 6 we'll make sure that everybody gets it and I would urge any  
 7 of you who have questions in this regard to go ahead and  
 8 get in touch with Mary as she finalizes this document and  
 9 just ask her individually about your particular situation  
 10 or circumstance.  
 11 Counselor.  
 12 MS. SCOONOVER: I would note that the body  
 13 of conflict law is both complex and interesting to only a  
 14 very few of us so I won't go into a great amount of detail  
 15 today but enough to hopefully give you an idea of some of  
 16 the limitations, particularly with regard to contracting  
 17 and the contracting provisions will probably be the most  
 18 significant for the Bay-Delta Advisory Council members.  
 19 As Chairman Madigan noted a number of you have  
 20 contacted me about potential conflicts and that's really  
 21 the best way for us to deal with this, is to work through  
 22 your specific issues, identify any potential conflicts and  
 23 then chart a course that is clearly safe for both you and  
 24 for the ongoing process. I will be following up with those  
 25 of you who have already called and I encourage those of you

1 who have additional questions to please contact me  
 2 directly.  
 3 But I would like to take just a little bit of  
 4 time today to talk to you particularly about Government  
 5 Code Section 1090 which relates to conflicts of interest in  
 6 contracting.  
 7 Government Code Section 1090 basically  
 8 prohibits a public official from being financially  
 9 interested in a contract or sale in both his or her  
 10 official capacity as well as his or her private capacity.  
 11 This section provides that an officer or an  
 12 employee may not make a contract in which he or she is  
 13 financially interested and courts have defined "make a  
 14 contract or the act of making a contract" very broadly.  
 15 It includes not only making a contract but  
 16 preliminary discussions, negotiations, compromises,  
 17 reasoning, planning, drawing of plans and specifications  
 18 and solicitations for bids.  
 19 In addition the prohibition applies to  
 20 virtually all State officers -- I promise it will be  
 21 short -- employees, consultants, multi-member bodies,  
 22 whether elected or appointed, whether salaried or  
 23 nonsalaried.  
 24 And there is no recusal provision from  
 25 Government Code Section 1090.

1 \$258,000.  
 2 The Supreme Court reached this harsh result  
 3 based on the perceived importance of strictly enforcing  
 4 State conflict of interest laws, such as 1090.  
 5 The second case is People vs. Honig, a 1986  
 6 case.  
 7 The case superintendent of public instruction  
 8 was found guilty of violating Section 1090 by entering into  
 9 official contracts in which he had a financial interest.  
 10 Superintendent Honig was criminally convicted  
 11 of this offense and eventually was required to relinquish  
 12 his public office as a result.  
 13 The penalties that apply for willfully  
 14 violating this code include civil penalties, criminal  
 15 penalties, potential administrative penalties as well as a  
 16 lifelong ban from of holding public office again.  
 17 It's a serious provision. It's one that we  
 18 need to, again, plan for so that we don't run into problems  
 19 in the latter stages.  
 20 Rick Frank from my office and I are also going  
 21 to be working with the ecosystem roundtable folks who act  
 22 as a subcommittee to this group but who will be making  
 23 advice, giving you all advice on expenditures of  
 24 significant amounts of ecosystem restoration fund. You in  
 25 turn will give that advice to the State and Federal

1 This is not a statute or provision from which  
 2 you can simply recuse yourself on this particular issue.  
 3 A member of a Board is presumptively assumed to  
 4 have made a decision or have been part of the decision that  
 5 the rest of that Board made.  
 6 So it's a fairly significant and onerous  
 7 provision and there are exemptions for either remote  
 8 interests or noninterests and they are specifically called  
 9 out and again we should work through those on an individual  
 10 basis.  
 11 But I wanted to talk to you about two recent  
 12 court decisions to give you some idea of the severity of  
 13 the remedies that apply under this provision and how  
 14 seriously the California Supreme Court takes this  
 15 provision.  
 16 First is a case called Thompson versus Call  
 17 where a City Council member had sold a parcel of land to a  
 18 third party which in turn resold the property to the City.  
 19 Despite the fact that the City Council member  
 20 had and abstained from the Council vote which authorized  
 21 the latter sale and had acted throughout in good faith the  
 22 California Supreme Court concluded that he had violated  
 23 Government Code Section 1090.  
 24 As a sanction the Court required the forfeiture  
 25 of the Council members' entire sale price for the parcel,

1 agencies.  
 2 Therefore, this is a very serious provision  
 3 that applies across the board.  
 4 As I say, I have a draft memo that will be  
 5 finalized in the very near future where I will give you  
 6 some more specific information and details on the  
 7 exemptions, but again it is very complex so I do encourage  
 8 you to call even if you just have a question about one of  
 9 the applications. Hopefully the letter will give you some  
 10 general guidance and we can follow up with specifics  
 11 thereafter.  
 12 CHAIRMAN MADIGAN: Thank you, Counselor.  
 13 Are there questions by members of the BDAC?  
 14 Stu.  
 15 MR. PYLE: Mary, who is a public official?  
 16 Is a BDAC member a public official?  
 17 MS. SCOONOVER: Yes.  
 18 Public official has been defined very broadly  
 19 by the courts to include governmental multi-member bodies,  
 20 whether they're elected or appointed, whether they receive  
 21 a salary or not. So it's a fairly broad and actually has  
 22 been applied to advisory individuals or entities to a  
 23 governmental agency.  
 24 So I think BDAC squarely falls -- BDAC members  
 25 squarely fall within the current interpretations by the

1 Court.

2 CHAIRMAN MADIGAN: While the notion that

3 you would be excluded from ever holding public office again

4 might seem really attractive to you.

5 This civil and criminal penalties thing is

6 really kind of a drag. Yeah. Yeah.

7 MS. SCOONOVER: And there is no guarantee.

8 CHAIRMAN MADIGAN: Alex.

9 MR. HILDEBRAND: Could you give us a

10 hypothetical example or two of where a council member here

11 might get into this situation?

12 MS. SCOONOVER: Well, although I'd prefer

13 not to go into a whole lot of specifics about individual

14 members I think there are a couple of issues that come to

15 mind immediately.

16 With the passage of Proposition 204 and the

17 availability of \$60 million for immediate ecosystem

18 restoration needs the chances are good that there are

19 projects everywhere.

20 Now, just because you support or advocate for a

21 project doesn't necessarily mean you have a conflict.

22 However, if you are the applicant for that

23 project, if you have a project on your property or in your

24 backyard that you think ought to qualify and you want to

25 apply that would be a conflict because there would be a

1 recommendations are routinely and regularly followed.

2 Now, the latter category is probably the

3 closest this body gets, but that requires applying the

4 standard. There is some difficulty because it requires

5 some amount of a track record. There is not much of a

6 track record here to determine whether or not your advice

7 is going to be routinely and regularly followed.

8 Now, we hope that would be the case and if a

9 track record develops, then we may at some point in the

10 future have to re-examine whether or not BDAC members need

11 to file. But at this point it's our opinion -- the

12 attorney general's office opinion -- that that is not a

13 requirement for this body.

14 CHAIRMAN MADIGAN: Mary and Richard.

15 MS. SELKIRK: I had a question about

16 whether this applies to a governmental agency. For

17 example, it's conceivable, I can't think of anything

18 offhand but it's conceivable, say, that East Bay Mud might

19 or some other water district or other governmental agency

20 might apply for funds out of Prop 204 to do some kind of

21 habitat restoration.

22 Does that mean that as a member of the East Bay

23 Mud Board then -- I don't stand to gain any personal

24 financial interest -- but the Agency that I serve, you

25 know, as a Board member would -- could be construed to

1 contract because you acting in your official capacity would

2 be giving advice to the governmental entity that would be

3 issuing the contract and because you as a private

4 individual would have a financial interest in that

5 contract.

6 So that would be a pretty straightforward

7 example. There are some --

8 MR. HILDEBRAND: What if the majority of

9 the Council advocates habitat on my property that I didn't

10 oppose, am I still stuck?

11 MS. SCOONOVER: If there is no contract

12 there is no conflict.

13 CHAIRMAN MADIGAN: Tib and then Mary.

14 MR. BELZA: Are we required to fill out

15 730 forms or 731, conflict of interest statements?

16 MS. SCOONOVER: No.

17 Tib is acting about the 1973 Political Reform

18 Act and the Political Reform Act of 1974 applies to

19 governmental decision making.

20 The Board or commission possesses decision

21 making authority if it exercises one of three -- or has the

22 ability to exercise one of three differing decision making

23 powers and that is it may make a final governmental

24 decision, it may compel or prevent the making of a

25 governmental decision by its action or inaction or its

1 benefit by such a project?

2 MS. SCOONOVER: It's a good question.

3 And the definition of, you know, financial

4 interest is fairly broadly stated.

5 "Employee of a contracting party, attorney,

6 agent or broker of a contracting party, supplier of

7 services or goods to a contracting party, landlord or

8 tenant of a contracting party, officer or employee of a

9 nonprofit organization which is a contracting party" but as

10 I said there are some specific either remote interests or

11 exemptions that are actually defined.

12 And one of the remote interests is a member of

13 a nonprofit corporation formed under the agricultural code

14 or the corporation's code for the sole purposes of selling

15 agricultural products for supplying water.

16 So depending on the particular BDAC member's

17 interest it may be defined as either a remote interest and,

18 therefore, not covered or a noninterest and, therefore, the

19 statute isn't triggered at all.

20 But it's not something that I can tell you

21 "Here is the general rule". It really is a very fact

22 specific.

23 And because the penalties are so serious and

24 significant it makes time to spend a great deal of time if

25 you have a concern actually laying out your concern with me

1 and walking through all of the steps so that we are  
 2 confident that there is not a conflict and that we've  
 3 actually addressed the issue ahead of time.  
 4 CHAIRMAN MADIGAN: Richard.  
 5 MR. IZMIRIAN: You may have just answered  
 6 it.  
 7 Board Members and nonprofits would  
 8 then -- nonprofit conservation organizations that may want  
 9 to engage in one of these projects would have a conflict?  
 10 MS. SCOONOVER: Again, we would need to  
 11 talk about the specifics because there is a specific  
 12 exemption where a public official is a nonsalaried member  
 13 of a nonprofit corporation provided that the official's  
 14 interest is disclosed to the body or Board at the time the  
 15 contract is first considered and is noted in the official  
 16 records.  
 17 So, again, depending on the position and  
 18 depending on the -- a particular issue there may or may not  
 19 be a conflict, but it's good to identify these as potential  
 20 conflicts so that we can work through.  
 21 CHAIRMAN MADIGAN: Ray.  
 22 MR. REMY: On a question of direct or  
 23 remote, if you are an organization, let's take the League  
 24 of Women Voters, it's a fine organization, your Chair, your  
 25 paid person for the league and your Chair has a very direct

1 project to get funded out of this process and that's  
 2 entirely expected and is not at all limited by this  
 3 statute.  
 4 The problem comes when acting as a governmental  
 5 official you are also then on the other side acting as a  
 6 recipient of a contract, of a governmental contract.  
 7 And the conflict of interest laws do not allow  
 8 you to play both positions.  
 9 The response is -- or the remedy is once we  
 10 identify a potential conflict and determine that there  
 11 truly is a conflict then you have an election to make.  
 12 And that election is do you continue to serve  
 13 on the Board that's going to be providing advice on these  
 14 contracts or are you going to be in the potential pool of  
 15 recipients?  
 16 And that may be a decision that some of you are  
 17 faced with in the future.  
 18 Again, before we get to that point, I hope none  
 19 of you will make hasty decisions and see this as an easy  
 20 out clause.  
 21 We can actually work through them and identify  
 22 what specific issues are and see if there are alternative  
 23 ways of --  
 24 CHAIRMAN MADIGAN: Don't everybody move  
 25 toward the door here at once here, come on.

1 interest in an issue, to what extent does that relate then  
 2 on to your own vote?  
 3 In other words, somebody you are working  
 4 directly for does have a direct interest, you have no  
 5 direct interest, no financial interest, but your  
 6 organization's leader does.  
 7 MS. SCOONOVER: Again, this is going to be  
 8 a general answer because I don't know the specifics, but  
 9 there are no exemptions -- or there are no prohibitions on  
 10 being a member of an entity that has an interest.  
 11 The conflict comes, we are having -- being a  
 12 member of an entity whose -- the people in charge have a  
 13 specific interest or a specific issue.  
 14 The problem comes with how closely associated  
 15 you are with that individual, how closely associated or  
 16 related your interest is to the interest that's being  
 17 contracted for.  
 18 So it may not be a problem but it may be a  
 19 problem depending on the nature and extent of the person's  
 20 direction of the entity, your relation to them, and what  
 21 the issue is that's being contracted for.  
 22 Now, I realize that all of you are here because  
 23 you have an interest in the outcome of what happens and so  
 24 just having an interest is not a problem.  
 25 I mean, you may be rooting for a particular

1 Bob.  
 2 MR. RAAB: Would it be a good idea for a  
 3 BDAC member to not have his or her name on a proposal that  
 4 might go into a nonprofit organization to CalFed for a  
 5 specific restoration project?  
 6 MS. SCOONOVER: I will answer only the  
 7 legal implications side of that, not the policy politics  
 8 appearances side.  
 9 For legal implications the State Supreme Court  
 10 has been very cautious of even the appearance of  
 11 self-dealing or the appearance of a conflict of interest,  
 12 and if it's on the line, if there is a question, the  
 13 Supreme Court has ruled in favor of broadly interpreting  
 14 the conflict of interest statutes.  
 15 Now, whether that would provide a particular  
 16 problem in the case you've described or not I don't have  
 17 enough information to tell you.  
 18 I do tell you that I intend to chart a fairly  
 19 conservative course in this matter. Under the  
 20 circumstances with the importance of the work this body is  
 21 doing as well as the onerous nature of the penalties  
 22 attached I don't think that there is really any other  
 23 course that would be advised at this point.  
 24 CHAIRMAN MADIGAN: Miss Scoonover has  
 25 indicated that she is in the process of preparing a

1 memorandum to us all for our further elucidation, and I  
2 would urge everybody to read it and if you have questions,  
3 to call her because it's obviously an important issue and  
4 one which the courts take seriously and for which the  
5 penalties can be significant so everybody is well-advised  
6 to treat it with due respect.

7 Are there any additional questions?

8 (No response)

9 All right. Counselor, thank you very much.

10 MS. SCOONOVER: Thank you.

11 CHAIRMAN MADIGAN: Okay. That completes  
12 the Chair's report.

13 We will move on to Agenda item number two,  
14 which is an update of program components.

15 Lester, you're on.

16 EXECUTIVE DIRECTOR SNOW: I did want to  
17 mention that CalFed has a bail bond service as well as  
18 prison counseling.

19 I don't know what made me bring that up.

20 As you know from our past discussions at our  
21 work schedule we continue to try to refine these components  
22 even though we are attempting to shift very quickly into  
23 not talking about components and, in fact, talking about  
24 the integration into alternatives.

25 And, in fact, we have observed that so much

1 been a lot more interest in getting into more detail and,  
2 unfortunately, we will comply, and the additional detail  
3 will begin to flow and this is kind of one increment of the  
4 kind of detailed information that we are getting ready to  
5 rule out. I guess I would not add anything to the storage  
6 and conveyance and water use efficiency other than the  
7 summaries that are in the packet.

8 I'd certainly respond to any questions or  
9 additional comments about that.

10 I might ask -- I guess Stu attended that  
11 Workshop and, I don't know, Stu, do you have any  
12 observations about the Workshop on the 20th that you would  
13 want to contribute?

14 I think Mary Selkirk also was in attendance at  
15 that.

16 MR. PYLE: I thought it was a good layout  
17 that Stein -- Stein went through the 16 variations of the  
18 three main alternatives in some detail and I think we got a  
19 good look at that.

20 I think just as kind of an outward impression  
21 I'm not sure that it's too valuable to spend too much time  
22 on those alternatives that we can for just plain reasoning  
23 decide that they are not going to be in the final ones and  
24 get on to the ones that are going to follow through and get  
25 more detailed analysis.

1 focus on the individual components has been a bit of an  
2 impediment to get people to start looking at the  
3 alternatives as integrated actions. I think that's the way  
4 that we've had to proceed and, in fact, we had a Workshop  
5 earlier this week focusing on one of the components because  
6 I think that's the way we get an understanding but it in  
7 fact has increased the difficulty of getting people to  
8 understand how these pieces fit together and how you  
9 achieve multiple objectives with different actions.

10 What I want to do is very quickly summarize  
11 kind of the three components that there has been activities  
12 on since the last BDAC Meeting.

13 You received in your packet summaries of the  
14 storage and conveyance and water use efficiency efforts and  
15 that was a joint Workshop that took place on March 20th.

16 And you have a summary of some of the things  
17 that happened, some of the conclusions that we drew from  
18 the meeting, and in the case of the storage and conveyance  
19 we have added in the brief summary, including maps of the  
20 16 storage and conveyance configurations and that is  
21 significant.

22 And you may notice in front of you are the two  
23 volumes of resource material associated with the storage  
24 and conveyance configuration.

25 And as we have discussed in the past there has

1 So probably it's good to clear the screen.

2 I know you are going to have discussion of  
3 three alternatives later today and I've got more comments  
4 to put in on those, but I think everybody is, you know,  
5 feels good about coming to grips with this element of it  
6 because this is the important element that has to be sorted  
7 out, combined with the other common elements and put into  
8 the program by the summer of this year.

9 EXECUTIVE DIRECTOR SNOW: All right.

10 I already mentioned that earlier this week on  
11 April 8th we had an ecosystem restoration plan Workshop and  
12 I'd like to ask Dick to make just a few comments about that  
13 and then we can also ask -- we had several BDAC members in  
14 attendance at that meeting. Perhaps they would like to  
15 make some additional comments.

16 And, Dick, you might want to point out we have  
17 the Executive Summary in front of us here (indicating).

18 MR. DANIEL: Yes, in addition to having it  
19 available today we released that additional summary on  
20 Tuesday at the Workshop.

21 In addition to the summary we passed out copies  
22 of two of our ecological zone vision statements, the one  
23 for the Sacramento River and another one for the Sacramento  
24 San Joaquin Delta in order to get people talking about and  
25 talking with us about the material that we are putting

1 together.

2 The Workshop was pretty successful. We walked

3 through the process and the logic that we are undertaking

4 to put this program together, got some pretty positive

5 feedback in that regard.

6 We also went through a discussion of sort of

7 the implementation concepts behind the ERPP, those

8 associated with monitoring indicators focused research, all

9 of which fall under the umbrella of adaptive management.

10 In terms of comments and concerns we created

11 some confusion as to the process for reviewing the

12 documents.

13 What we reiterated was that we are putting out

14 this Executive Summary in order to stimulate discussion,

15 discussion that we'd like to conduct in regional meetings.

16 We solicited people to come to us and make

17 suggestions as to when and where they would like to meet

18 and discuss.

19 That's been pretty effective so far. My

20 calendar is filling up very, very rapidly.

21 We pointed out that in mid-May we are going to

22 put out volume one, which is the technical foundation, the

23 vision statements if you will for ecosystem processes, for

24 species, for habitats and the stressors and then in about

25 mid-June we'll put out the remaining two volumes, which is

1 possibly can.

2 Also involved in the discussion as is always

3 the case were questions and concerns relative to flow,

4 in-stream flow targets, how we've developed those and a lot

5 of questions and we'll have a lot of opportunity for

6 discussion as to the science behind that.

7 That in that -- in a nutshell that's where we

8 are today.

9 I think we have stimulated and will continue to

10 stimulate a lot of beneficial discussion.

11 CHAIRMAN MADIGAN: Questions?

12 Alex.

13 MR. HILDEBRAND: Dick, I believe we agreed

14 at the last BDAC Meeting that the restoration program would

15 be subjected to the solution principles and each component

16 of it and that the BDAC would see then a report of that

17 analysis.

18 What is the timetable for doing that?

19 EXECUTIVE DIRECTOR SNOW: Could I -- if I

20 remember the discussion at the last meeting with respect to

21 this, it was related to the -- our restoration coordination

22 or the early implementation, the funding under category

23 three where there would be an attempt to make the projects

24 consistent with the solution principles.

25 However, the solution principles are designed

1 the vision statements for the ecological zones, the 14

2 zones that we've broken the system up into and a document

3 that will contain our notions at that time relative to

4 adaptive management, monitoring focus research and

5 indicators.

6 We'll establish a 45-day review period

7 following the release of the third and final draft document

8 and we'll hold another Public Workshop probably in mid-July

9 just prior to the end of the designated comment period to

10 hear about people's concerns and constructive comments.

11 In addition to getting some comments relative

12 to process folks also were very curious about integration

13 of the ERPP into the other common programs and the

14 alternatives that we are going to be discussing in just a

15 few minutes.

16 There is a lot of interest in that regard and

17 we were able to respond in part but not completely because

18 we don't have all of the details on any of the common

19 programs yet nor the alternatives as well.

20 Another comment that came up was a concern that

21 through the ecosystem program we might be developing an

22 independent monitoring program as opposed to integrating it

23 with the water quality program, for example.

24 And we have assured people that will not be the

25 case, that we will be as efficient in our monitoring as we

1 to apply against the alternatives and so there will be an

2 effort to make sure that there is balance; for example, the

3 solution principle of, oh, I guess the equity principle, we

4 are not addressing all four of the resource areas.

5 I mean, the only thing that's happening in

6 category three, for example, is ecosystem restoration and

7 that early implementation is different than the development

8 of the ecosystem restoration program plan that Dick's

9 referring to.

10 MR. HILDEBRAND: I guess I'm confused as

11 to whether the ecosystem coordination program that Dick's

12 referring to is just for category three or whether it

13 includes all of the things that are going into our program,

14 in which case it would fall under the category where there

15 would be subjected to solution principles.

16 And I'm just -- as I have said before, I am a

17 little concerned that we moved too fast on assuming that

18 some component is pretty much cast in concrete and we

19 haven't yet looked at the solution principles.

20 EXECUTIVE DIRECTOR SNOW: Yeah, the stuff

21 that Dick is talking about, the ecosystem restoration

22 program plan reflected in this document (indicating), is

23 one of the really the five components that come together to

24 form an alternative and, therefore, must be subjected to

25 the solution principles.

1 MR. HILDEBRAND: My question is when will  
 2 we do that?  
 3 EXECUTIVE DIRECTOR SNOW: When the  
 4 alternatives are developed in sufficient detail to run them  
 5 through the solution principle test and, in fact, we are  
 6 starting that now and I'll try to illustrate that a little  
 7 later this morning.  
 8 But there is an important point here.  
 9 And, that is, that each of the individual  
 10 components are not subjected individually to the solution  
 11 principles. It's the combined components in the form of an  
 12 alternative that is subjected to the solution principle  
 13 review.  
 14 MR. HILDEBRAND: I understand your point.  
 15 It gets very complicated.  
 16 EXECUTIVE DIRECTOR SNOW: Yes, very.  
 17 CHAIRMAN MADIGAN: Anyone else?  
 18 Tom.  
 19 MR. GRAFF: Back to the first two program  
 20 components, one of the issues that we were -- the  
 21 impression was going to be sort of repositioned and maybe  
 22 gets its own work group or whatever is water transfers and  
 23 water acquisitions for the environment.  
 24 Is that going to happen?  
 25 EXECUTIVE DIRECTOR SNOW: I have started

1 restoration coordination, coordinating the restoration  
 2 activities that are out there and coordinating new monies  
 3 that may be available, such as through Prop 204.  
 4 That program is coordinated by Cindy Darling  
 5 and I wanted to have Cindy give an update this morning on  
 6 the process and where we are.  
 7 And, also, we included in your packet a  
 8 description of the overall strategy and process that we are  
 9 trying to follow.  
 10 Cindy.  
 11 CHAIRMAN MADIGAN: Good morning, Cindy.  
 12 CINDY DARLING: My name is Cindy Darling.  
 13 I'm with the Restoration Coordination Program.  
 14 There's actually two people in it, me and Kate Hansell  
 15 (phonetic) and I wanted to go through a couple different  
 16 points here this morning, one of which is a brief history  
 17 of why we have a Restoration --  
 18 EXECUTIVE DIRECTOR SNOW: Check your mute  
 19 button. I'm not sure you are actually on.  
 20 CINDY DARLING: It says on.  
 21 Is this better?  
 22 CHAIRMAN MADIGAN: No.  
 23 EXECUTIVE DIRECTOR SNOW: Okay. Stop  
 24 picking on Cindy.  
 25 CINDY DARLING: I was so proud of myself I

1 developing the different alternatives to present to the  
 2 Chair on how we might structure our public discussion of  
 3 the transfers and so I think the short answer is, yes, we  
 4 must have a vehicle by which we discuss the transfer issue  
 5 because it's so important not just to water use efficiency  
 6 component but actually to ecosystem restoration and storage  
 7 and conveyance so we have to have a forum for that and I'm  
 8 trying to develop the different options that BDAC would  
 9 have available in terms of trying to structure those  
 10 discussions.  
 11 CHAIRMAN MADIGAN: Okay. Thanks, Dick.  
 12 Members of the public, is there anybody who  
 13 wishes to speak on the item?  
 14 All right. Fine. Thank you.  
 15 Item number three on the Agenda is the  
 16 ecosystem restoration coordination program.  
 17 Lester, do you want to introduce it?  
 18 EXECUTIVE DIRECTOR SNOW: Yeah.  
 19 This is the program I think that causes some  
 20 confusion when we talk about the ecosystem restoration  
 21 program, the long-term 25-year strategy for overall health  
 22 of the ecosystem versus the early implementation, the  
 23 category three types of activities to make some  
 24 improvements now, even before we have finished the  
 25 long-term strategy and so that's the program we refer to as

1 found something I could actually pin this little thing on  
 2 this morning.  
 3 EXECUTIVE DIRECTOR SNOW: You are on now.  
 4 CINDY DARLING: Okay. Back to where I  
 5 was, a brief history of why we have a Restoration  
 6 Coordination Program within CalFed.  
 7 This has been an issue that originated with the  
 8 Bay-Delta accord in 1994, there was a part of it called  
 9 category three, which all of you are probably familiar  
 10 with, and that was the commitment that everybody signed to  
 11 ecosystem programs in the short-term totaling \$180 million  
 12 dollars over, it was anticipated, about three years at the  
 13 time the accord was signed.  
 14 Category three began its implementation with a  
 15 steering committee that was comprised of stakeholders with  
 16 CalFed Agency liaisons working with them to jump start the  
 17 program and start funding projects out of the contributions  
 18 they had and also to search for the permanent home for  
 19 category three or the interim permanent home.  
 20 So that was the genesis of the idea.  
 21 The category three steering committee had a lot  
 22 of discussion about what it was that they wanted to do with  
 23 that part of the accord and there was two concerns that  
 24 ended up leading to the formation of the Restoration  
 25 Coordination Program.

1 The first was the agreement on the part of the  
 2 stakeholders on the category three steering committee that  
 3 whatever they funded from category three should be  
 4 consistent with and feeding into the long-term ecosystem  
 5 restoration program that Dick Daniels just spoke about.  
 6 The second concern that led to the formation of  
 7 our program was there was a recognition amongst the  
 8 stakeholders and amongst the CalFed agencies that there was  
 9 a lot of different programs trying to fund restoration  
 10 projects in the watershed and that there was a need to find  
 11 a way to better coordinate those programs.  
 12 It had gotten to the point where we were  
 13 starting to have competition for the good projects and  
 14 so -- and some projects would get half funded, some  
 15 projects would get funded three times over and there was a  
 16 recognition that we needed to start more efficiently  
 17 dealing with projects as they came along.  
 18 And this is -- many of the programs, such as  
 19 CVPIA and the four pumps agreement, the Tracy fish  
 20 agreement all needed to have somebody helping to coordinate  
 21 them.  
 22 So these two concerns lead the Calfed Bay-Delta  
 23 Program to bring on Restoration Coordination Program staff  
 24 and they also led to the appointment of the ecosystem  
 25 roundtable as a stakeholder body to provide us input as we

1 habitat types are we are going to focus our efforts on in  
 2 the first round.  
 3 We are in the midst right now of identifying  
 4 the limiting factors that are preventing us from addressing  
 5 those priorities and identifying the actions that you would  
 6 take to address those limiting factors. This has been  
 7 primarily done by technical teams and is being written up  
 8 and will be considered -- will be presented to the  
 9 roundtable and to BDAC at future meetings.  
 10 We are also starting to prepare the public  
 11 package that will solicit applications for funding from  
 12 category three.  
 13 That package will include the criteria that  
 14 will be used to evaluate projects, what type of projects  
 15 are eligible for funding and how applicants can go about  
 16 submitting an application and that is -- we are looking to  
 17 get that out in mid-May and there will be a period of about  
 18 five to six weeks for people to prepare their proposals and  
 19 we'll have public outreach and public information meetings  
 20 during that time so that people can understand -- better  
 21 understand how they can compete for the funding.  
 22 There will be a proposal selection process that  
 23 will be going on June, July and August, and we'll look to  
 24 come to a decision on which ones we want to move forward  
 25 with funding beginning in August.

1 moved through selection of projects for category three  
 2 funding and coordination of the other restoration programs.  
 3 And as Lester mentioned, your packet does  
 4 contain a write-up describing the program and the roles and  
 5 responsibilities of the different boxes on this graphic.  
 6 Restoration Coordination Program staff is  
 7 myself and Kate Hansell, we are a part of the Bay-Delta  
 8 Program.  
 9 We get our stakeholder input from the ecosystem  
 10 roundtable and that is the 18 member subcommittee of BDAC,  
 11 whose membership is included in the packet that you  
 12 received for this meeting.  
 13 We also have technical teams that we are  
 14 working with that include Agency and stakeholder technical  
 15 staff that are providing us that level of input and then  
 16 the ultimate responsibility for funding decisions will rest  
 17 with the Secretary of the Interior and the Secretary for  
 18 Resources after going through discussion of each of these  
 19 elements.  
 20 This is the process that we are using to both  
 21 coordinate and to select projects (indicating).  
 22 The first step, which I spoke of the last time  
 23 I was presenting to BDAC was the identification of  
 24 priorities for this year's funding cycle, and that's this  
 25 box up here (indicating), basically which species and

1 Mary.  
 2 MS. SELKIRK: Cindy, I wanted to ask you a  
 3 question about the last roundtable meeting you presented an  
 4 additional concept for soliciting proposals from  
 5 nontraditional, more grassroots, small community watershed  
 6 restoration projects.  
 7 For example, small groups that may be actually  
 8 doing really innovative work but are so small that they  
 9 don't have a grant writer on staff where somebody has the  
 10 wherewithal to put together the formal proposal in a  
 11 traditional sense.  
 12 I don't see that on there. Is that something  
 13 you are still planning --  
 14 CINDY DARLING: That is still -- and I'm  
 15 meeting again with the lawyers this afternoon to continue  
 16 to work out the details on how that can be effected.  
 17 The idea is that there are some projects that  
 18 are fairly ready to go and can come in with a complete  
 19 proposal right away and then there are others where they  
 20 are going to need some help in taking their idea and  
 21 incubating it.  
 22 This graphic has, we can select proposals here,  
 23 including which were those conceptual proposals we want to  
 24 move forward with soliciting additional detail and it gives  
 25 us a chance to receive the detailed proposals here and then

1 select amongst those that were submitted as concepts and  
 2 then flushed out.  
 3 And that will give us the opportunity to do two  
 4 things.  
 5 It will allow us to move forward with those  
 6 projects where they are looking to construct as soon as  
 7 possible or they are looking to acquire. There is a couple  
 8 that are really ready to go.  
 9 It will also give us that opportunity to do the  
 10 outreach to the grassroots organizations who have very good  
 11 ideas, a lot of concern about the local interests and are  
 12 probably the best places to do a lot of this work.  
 13 So this is a hybrid between kind of the  
 14 traditional approach and that conceptual proposal approach.  
 15 And then, of course, after we have gone through  
 16 these two selection points we begin to actually implement  
 17 the projects and we are looking to come to funding  
 18 decisions at two points each year for the duration of the  
 19 program, with decisions made in August and January of '98  
 20 in addition to the decision this summer. So there will be  
 21 multiple funding cycles so that we can pick up as many  
 22 projects as possible.  
 23 The only other thing that I wanted to talk  
 24 about briefly was some of the criteria that will be used to  
 25 evaluate projects.

1 roundtable meeting tomorrow, but we are in the process of  
 2 developing them right now.  
 3 That's the heart and soul of the presentation.  
 4 I'd be more happy to answer any questions.  
 5 CHAIRMAN MADIGAN: Okay. Questions?  
 6 Richard.  
 7 MR. IZMIRIAN: I'm unclear on how much of  
 8 a vision we have for the category three calendar, category  
 9 three projects, maybe relating to flow issues, whether we  
 10 are just waiting somewhat passively for the projects to  
 11 come in or whether we are really defining the vision and  
 12 looking for projects that fill that vision.  
 13 CINDY DARLING: The intent of using the  
 14 technical teams to identify the highest priority problems  
 15 and the types of actions they would use to address them is  
 16 what's going to allow you us to focus in and create that  
 17 vision.  
 18 They have gone through and said "Okay. Given  
 19 the problem what are the most important things to do and  
 20 how would you go about doing them??  
 21 We don't have a huge staff of hundreds that can  
 22 go out and actually write the proposals but we can give  
 23 guidance to people that are writing the proposals that  
 24 these are the kinds of things that are most likely to be  
 25 funded.

1 That is a discussion point for the ecosystem  
 2 roundtable tomorrow but the criteria will fall into a  
 3 couple categories. The first will be criteria that all  
 4 projects must meet and those will be the general criteria  
 5 such as it must involve a willing seller, if it's a land  
 6 acquisition, it must not prejudice the selection of a  
 7 long-term alternative and the projects must have their own  
 8 independent CEQA/NEPA documents.  
 9 Then there will be criteria that will be used  
 10 to evaluate the individual proposals once they pass that  
 11 screen and those will be the standard things, such as  
 12 biological effectiveness, applicant's ability to perform,  
 13 potential impacts on third parties and consistency with the  
 14 CalFed ecosystem restoration program that Dick is putting  
 15 together.  
 16 And then there will also be a third category,  
 17 which is general principles. We'll try to make sure that  
 18 we allocate project funding to things that are at the  
 19 conceptual level, things that are ready to go, things that  
 20 are ready to monitor so we have a continual string of  
 21 projects coming into the funding cycle and then we'll also  
 22 look to make sure that we have a good balance of innovative  
 23 approaches as well as some traditional approaches that  
 24 people are relatively sure will help address the problem.  
 25 So those criteria will be discussed at the

1 MR. IZMIRIAN: DO we have the vision in  
 2 our documents here?  
 3 CINDY DARLING: NO, it's still being  
 4 developed. The last technical team meeting was just a week  
 5 ago so . . .  
 6 CHAIRMAN MADIGAN: Alex and then Bob.  
 7 MR. HILDEBRAND: Cindy, how do you  
 8 determine when you have a component here you want to move  
 9 ahead with, that it is, in fact, the most effective way of  
 10 achieving the objective regardless of the merits of the  
 11 thing and -- effective in terms of costs in dollars and  
 12 water?  
 13 And how do you assure that if an impact  
 14 analysis is required, that an adequate impact analysis is  
 15 made so that the project isn't delayed because somebody  
 16 challenges the validity of the funding right?  
 17 CINDY DARLING: Well, it seems like there  
 18 is a couple parts to your question.  
 19 MR. HILDEBRAND: Yeah.  
 20 CINDY DARLING: As far as adequacy of the  
 21 CEQA/NEPA documents we are looking to fund projects in  
 22 phases so they have -- you know, they can come in and get  
 23 the funding they need to do their CEQA/NEPA documentation  
 24 and we can work with them and help them get through that  
 25 process and then once they have gotten through they can get

1 the additional funding for the next phase.  
2 There are some daunting challenges to getting  
3 some of these projects permitted and we'll do what we can  
4 to help them with that.

5 The first part of your question was?  
6 MR. HILDEBRAND: Well, the question was  
7 how you examine whether the proposed method is the most  
8 cost effective way of achieving the objective.

9 And by cost effective I mean both in terms of  
10 water and in terms of dollars.

11 MS. DARLING: In the past when we've  
12 looked at category three projects and evaluated them we've  
13 looked to make sure they had a good options analysis, to  
14 look at what the problem was and what the different ways  
15 you could solve that problem would be.

16 For example, on Butte Creek, the Western Canal  
17 project, they actually went through a fairly detailed  
18 options analysis that looked at how to meet their objective  
19 which was to provide the water supply without commingling  
20 it with Butte Creek and remove as many as dams as possible  
21 and they went through -- I think CH2 did it for -- under  
22 CVPIA funding, did a pretty complete options analysis there  
23 and we've looked for that kind of an options analysis on  
24 the projects as they've come in.

25 CHAIRMAN MADIGAN: Bob.

1 better idea of the cost estimate. For a project like that,  
2 especially one of a magnitude of five to six million  
3 dollars, you are going to want to come in with a fairly  
4 solid proposal once you are coming in with the construction  
5 funding. So what you could do is come in and request  
6 planning and feasibility analysis money in the first round  
7 and then come back later for the construction funding once  
8 you have the project better flushed out.

9 If the project can't stand on its own and it  
10 doesn't prejudge the selection of the long-term alternative  
11 it can come in before the long-term alternative is  
12 selected. You don't have to wait for the ERPP. We have 60  
13 million dollars in State bond funds and 143 in the  
14 President's budget so there is room for some big projects.

15 MR. RAAB: Just a follow-up quick  
16 question.

17 Is category three money really just seed money  
18 for -- or could it be construed as seed money, that there  
19 shouldn't be expectations that there is going to be any in  
20 large amounts -- I don't even know what I what I'm talking  
21 about when I say large amounts -- I don't know what a large  
22 amount is in category three, but let's say ten to \$50,000  
23 is a relatively small amount, and four or five million is a  
24 large amount, and in any case, whether it's category three  
25 or in the ERPP program are we -- can we expect just a

1 MR. RAAB: There is a mystery here to some  
2 of us and that is -- I'll give you a specific example of a  
3 restoration project.

4 Let us say it's a pretty big one. It might  
5 involve a thousand acres of dike Bay land that we would  
6 hope could be restored.

7 We don't know all of the science and probably  
8 would need some money to make a really coherent proposal.

9 The confusion comes when should a concept such  
10 as this be broken down and the first part of it submitted  
11 to the category three funding or maybe -- now I'm getting  
12 ahead of myself -- just for doing X amount of dollars for  
13 science and then coming back with a large proposal, say, a  
14 willing seller, but we are talking five or six million  
15 dollars, would we then want to get the ERPP program for  
16 that proposal?

17 It's just not clear where we address -- where  
18 this proposal would be addressed, should it --

19 MS. DARLING: Okay. Let me see if I  
20 understand your hypothetical and then give you how I would  
21 recommend you proceed with it. It sounds like it's a  
22 relatively large project that will need CEQA/NEPA  
23 documentation, engineering design work done on it and  
24 various and sundry other permits as well as once you've  
25 done the design work then you can come up with a much

1 partial assistance, say on a five or six million dollar  
2 project or, you know, a million dollars? We just don't  
3 know.

4 CINDY DARLING: That will actually depend  
5 on the individual project.

6 Category three has funded projects as low as  
7 \$25,000 in previous rounds. They've funded projects as  
8 high as five and a half million dollars so there is a broad  
9 range and it really depends on the merit of the project.

10 We have looked very favorably upon projects  
11 that have many cost share partners. Some of the projects  
12 that have come in have been very highly leveraged and that  
13 is taken as an indication of the level of support in the  
14 community for that project and has helped some of the  
15 projects in the ranking process.

16 CHAIRMAN MADIGAN: Tom.

17 MR. GRAFF: Yeah.

18 I'm not sure exactly what part of this is a  
19 question. Maybe just confirmation is what I'm seeking from  
20 you.

21 But I don't see acquisitions of water for the  
22 environment in your writeup here. And correct me if I'm  
23 wrong.

24 Is it that the CVP restoration fund is expected  
25 to pick up the water acquisitions for the environment at

1 least in the next year-and-a-half?  
 2 I'll be blunt. Roger Patterson isn't here, but  
 3 so far that program has not been the success that many of  
 4 us envisioned it might be when the CVPIA passed in 1992,  
 5 and partly is because there is a big drag on the system and  
 6 resistance to that concept, which is nevertheless from our  
 7 point of view an absolutely necessary part of making this  
 8 whole thing work. I mean, if we don't get water for the  
 9 environment all the rest of this stuff is going to be of  
 10 questionable value.  
 11 CINDY DARLING: Lester? Or do you want me  
 12 to do it?  
 13 EXECUTIVE DIRECTOR SNOW: The issue of  
 14 flows is extremely important and if you look at the  
 15 ecosystem restoration program plan you'll see that we have  
 16 flow modification in almost all of the eco zones and, in  
 17 fact, we intend to have Dick this morning kind of  
 18 illustrate how we are looking at flows.  
 19 I don't happen to agree that if we do habitat  
 20 restoration without additional water tomorrow that that's a  
 21 bad thing.  
 22 I mean, there are so many stretches of the  
 23 tributaries in the main stems that are basically denuded of  
 24 habitat that we can go out and build habitat with an  
 25 existing flow configuration and have a tremendous impact on

1 activities. So it's not that we are not addressing the  
 2 flow issue. It's just that we are working with the tools  
 3 that we have, including CVPIA in category three and trying  
 4 to balance the two.  
 5 MR. GRAFF: But it is true that Prop 204  
 6 has an explicit authorization for water acquisitions for  
 7 the environment?  
 8 CINDY DARLING: Not under the 60 million  
 9 which is the category three prop as far as I know.  
 10 MR. GRAFF: But down the line.  
 11 CINDY DARLING: Down the line, the 390.  
 12 CHAIRMAN MADIGAN: Ray.  
 13 MR. REMY: The problem is on that chart,  
 14 Cindy, but I may have missed it because I couldn't see it,  
 15 where is the BDAC interfaced with the suggestion on these  
 16 projects?  
 17 When do they come to us and we pass it on to  
 18 CalFed in those two funding cycles you talked about?  
 19 CINDY DARLING: We will be presenting to  
 20 you at each meeting from here on out where we are with the  
 21 process, including the selection of the projects to get  
 22 your input and answer any questions you have.  
 23 CHAIRMAN MADIGAN: Okay.  
 24 Members of the public?  
 25 Jason.

1 the ecosystem.  
 2 I don't mean to say that as a counterpoint to  
 3 what Tom has indicated but the thought that if we don't get  
 4 enough cfs of flow we shouldn't do habitat restoration I  
 5 think is not a good image to have on the table.  
 6 I mean, such as the kind of example that Bob  
 7 Raab came up with, additional tidal wetlands, that's needed  
 8 in the system today and so I think we need to work our way  
 9 through a coordination with the category three, with the  
 10 president's budget and with CVPIA which does already have  
 11 water acquisition money in it so we are matching and  
 12 balancing those programs. We are striving to attempt to do  
 13 that. There are CVPIA monies, unspent monies for the  
 14 purpose of water acquisition and we would like to see  
 15 better coordination between those funds.  
 16 Cindy, do you want to add anything on that  
 17 point?  
 18 CINDY DARLING: And I think one of the  
 19 other things to note is that category three was nonflow.  
 20 And people can debate long and hard on what exactly  
 21 happened in the wee hours in the resources conference room  
 22 when they were negotiating category three but we have  
 23 funded projects that have included some element; for  
 24 example, funding, bypass of flows for the PG&E power plant  
 25 to benefit spring run Chinook salmon and those kind of

1 JASON PELTIER: Yes, Jason Peltier with  
 2 the CVP Water Association. I intended to come up and say  
 3 some nice complimentary things and be very positive but I  
 4 have to start by saying "There you go again, Tom, on the  
 5 water acquisition question".  
 6 There is not resistance to the development of  
 7 the water acquisition program that I can detect within the  
 8 water environmental community. In fact, there is great  
 9 frustration with the lack of development of an acquisition  
 10 program in CVPIA.  
 11 They have \$20 million available this year. The  
 12 majority of the money they've obligated to date has been  
 13 related to water acquisition but there is no long-term  
 14 program. There is this opportunistic short-term focus  
 15 which is very frustrating to all of us and we need to  
 16 develop in that venue and in this venue or maybe we need to  
 17 develop a single water acquisition program that serves both  
 18 programs.  
 19 So we are anxious to get going on the  
 20 development of that because we realize an acquisition  
 21 program could be very disruptive to the water market in  
 22 meeting the needs of people that are perpetually short but  
 23 it need not be if it's done properly. So I have to get  
 24 that negative thing out first.  
 25 MR. GRAFF: It sounded positive to me.

1 JASON PELTIER: Okay. Well, I'm getting  
 2 more diplomatic then, I guess.  
 3 I wanted to, relative to the work that CalFed's  
 4 doing on -- in the category three area in the ecosystem  
 5 roundtable say that from the CVP customer perspective this  
 6 is probably the most important short-term attribute of  
 7 CalFed that is of great, great importance to us.  
 8 You know, long-term we share the broader needs  
 9 and concerns of everybody relative to the ecosystem in our  
 10 water management infrastructure but short-term we have a  
 11 lot of hope and expectation that the work done on  
 12 ecosystem -- on category three let me just say can fit well  
 13 and be integrated with CVPIA funds.  
 14 In fact, we hope that the CVPIA management  
 15 community, the people in the bureau and the service can  
 16 learn from and benefit from a lot of work that's being done  
 17 in the CalFed process.  
 18 We appreciate that Kate Hansell has been coming  
 19 to CVPIA restoration fund roundtable meetings and we have  
 20 begun a real active dialogue in terms of functionally  
 21 trying to integrate things.  
 22 But as I said earlier it's not just  
 23 coordination. It's kind of management and decision making  
 24 that we need in the CVPIA.  
 25 I'm going to give you some numbers

1 CalFed is coming up with.  
 2 Failure to get that -- the benefit of that and  
 3 see the CVPIA program improve through the benefit from  
 4 CalFed risks -- puts at great risk the continued  
 5 enthusiastic support for the CVPIA within the CVP customer  
 6 community.  
 7 That's all. Thank you.  
 8 CHAIRMAN MADIGAN: Thank you, Jason.  
 9 Other members of the audience who wish  
 10 to -- Mr. Petry, nice to see you again.  
 11 MR. PETRY: Good morning, members of the  
 12 Council and Mr. Chairman.  
 13 I heard the comment, something said about third  
 14 party effects.  
 15 The Bureau of Reclamation is lobbying for 4,000  
 16 acres somewhere on the west side for land retirement.  
 17 When they take the 4,000 acres out of  
 18 production and they raise pheasants on the ground that  
 19 doesn't require any water, where do those water  
 20 acquisitions go? If we are talking 4,000 acres of land and  
 21 three acre foot of water per acre of land that's 12,000  
 22 acre foot of water.  
 23 It should go someplace else and it probably  
 24 should go for environmental purposes.  
 25 And it doesn't make any difference if it goes

1 that -- well, I'll qualify them at the end. Despite the  
 2 fact that we understand it's estimated that the bureau and  
 3 the service will invest about 175,000 staff hours this year  
 4 to implement the CVPIA, that's a lot of staff hours, 175.  
 5 That's probably about what Lester and his group put in in a  
 6 week maybe, but the 175,000 staff hours in '97 available  
 7 are being spent.  
 8 In the restoration fund there is about 70  
 9 million dollars available to be spent this fiscal year for  
 10 CVPIA restoration activities.  
 11 We are halfway through the fiscal year.  
 12 They've obligated about 13 million dollars so far.  
 13 Of that 13, 11 million of that went to water  
 14 acquisition and temperature control device, leaving about  
 15 two million dollars that's been obligated so far this year  
 16 for the balance of the CVPIA.  
 17 Now, I need to qualify that by saying, you  
 18 know, there are some notable lags in reporting in the  
 19 accounting systems that go on but as -- so it's not a total  
 20 failure. We see this every year where there is a real slow  
 21 start-up and by the end they do manage to spend money, but  
 22 we are off to a slow start.  
 23 I think the important thing, just let me close,  
 24 again, is we need your help in the process -- and the  
 25 benefit of the decision-making process that I think the

1 for agriculture or environmental purposes.  
 2 During drought years we had 800,000 acre foot  
 3 of water that we were short on. They took it from the  
 4 water districts and they provided it for the environments.  
 5 So you had 12,000 acre foot of water that's going to have  
 6 applicable use for it now.  
 7 So it's replacing, and you wouldn't have to  
 8 take that 12,000 acre foot from the water districts from  
 9 agriculture.  
 10 So it's a swap off.  
 11 The problem is when you retire the land, what  
 12 happens to third party effects in a community like the  
 13 community that I come from?  
 14 And what I'm asking is is there any acquisition  
 15 for funding under 204 to bring back the social economics of  
 16 the community that would help agriculture, would help the  
 17 environment and bring back our social economics, and I've  
 18 mentioned this before, an ag related industry that would  
 19 process the products that are grown, the table products  
 20 that are grown, packaging, cooling, freezing.  
 21 Why ship it out of the area to get it  
 22 processed?  
 23 Why not do it in the area?  
 24 We can help the farmers. We can cut back in  
 25 the trucking. We can bring back the social economics. We

1 can put the pheasants back in the land. But there has to  
 2 be a swap off. There has to be negotiations for both  
 3 sides.  
 4 We know that the land is going out of  
 5 production, they won't complete the San Luis drain.  
 6 The subsurface water keeps coming up. They are  
 7 going to salt tolerant crops. Salt tolerant crops now  
 8 aren't the type of crop that bring in a profit to where the  
 9 farmer can work it and come out on top. So give the farmer  
 10 a decent price for his land. Turn some of it over for  
 11 agriculture. Turn some of it over for habitat or wildlife  
 12 restoration. Help the social economics of the communities,  
 13 third party effects that are going to be affected  
 14 drastically.  
 15 Right now there are 12 banks on the west side  
 16 that are closing.  
 17 America West, I believe it is that took over  
 18 the banks in the area. They all went to the east side.  
 19 There is no money on the west side. They know the land is  
 20 going to retire. They see the writing on the wall.  
 21 Those are the people that handle money. They  
 22 know business. And you can't blame them. The money is not  
 23 going to be there for them.  
 24 We won't have a bank in Mendota. We'll have to  
 25 drive 36 miles, 18 miles each way to Kerman to make

1 All right. I guess we are ready to wrap up on  
 2 that item?  
 3 Thank you, Cindy.  
 4 The next item on the Agenda, a description of  
 5 the three alternatives and discussion.  
 6 And we anticipate taking some time with this  
 7 because among other things Lester is going to start out  
 8 with overheads.  
 9 Right, Lester?  
 10 EXECUTIVE DIRECTOR SNOW: That's correct.  
 11 CHAIRMAN MADIGAN: Oh, good.  
 12 EXECUTIVE DIRECTOR SNOW: Okay. Kind of a  
 13 play off of the first discussion that we had this morning  
 14 about component refinement.  
 15 And I guess I want to stress that we spent a  
 16 lot of time on these components getting them to a certain  
 17 level and now we are starting the integration and you are  
 18 going to see the level of detail start changing  
 19 significantly.  
 20 First you see it manifest in two volumes on  
 21 storage and conveyance and in an executive summary that's  
 22 over a hundred pages on the ERPP and will be followed by  
 23 what will eventually be over 800 pages of supporting  
 24 information. The storage and conveyance will end up being  
 25 supplemented by hundreds and hundreds if not thousands of

1 deposits to businesses, to make change on a daily basis.  
 2 The City of Firebaugh is the same way. They've  
 3 got banks that are being bought out. They are moving out.  
 4 What's that going to do to agriculture?  
 5 What's that going to do to rural communities?  
 6 We need help in those respects.  
 7 Are there any monies applicable for aggravated  
 8 industries to do all these things?  
 9 Nobody wants to answer my question?  
 10 CHAIRMAN MADIGAN: No, it's not that  
 11 nobody wants to answer your question, Mr. Petry. They are  
 12 important questions.  
 13 The thing that we want to do is begin during  
 14 the course of this process to address them and you've  
 15 raised important issues.  
 16 They are not things that we forget between  
 17 meetings, and as various transfer issues come before this  
 18 operation and others they are exactly the kinds of issues  
 19 that are going to have to be dealt with.  
 20 MR. PETRY: Thank you, Mr. Chairman and I  
 21 hope that you'll take our area into consideration and other  
 22 areas like our area.  
 23 Thank you.  
 24 CHAIRMAN MADIGAN: Thank you.  
 25 Is there anybody else that wishes to be heard?

1 pages of model runs so that we start generating the kind of  
 2 information that you and CalFed and the public will need in  
 3 order to make intelligent decisions about these.  
 4 In fact, our challenge at that point will not  
 5 be the detail. It will be a logical way of summarizing the  
 6 detail so that someone can make a decision about it.  
 7 To some extent it's my opinion that we are  
 8 entering the most difficult phase of the program where we  
 9 are starting to get enough detail out that it makes people  
 10 nervous because they can look at any one of these documents  
 11 and find something that makes them nervous, probably  
 12 something that they like but they'll focus on the nervous  
 13 part.  
 14 And I think what's incumbent on us is trying to  
 15 keep the stakeholders engaged to work their way through the  
 16 analytical part of this.  
 17 If all we evaluate are the things that  
 18 everybody is comfortable with then we are not going to have  
 19 a good product and so we have to kind of stay with this and  
 20 evaluate the things that need to be evaluated to make that  
 21 kind of decision that we have to make.  
 22 I mean, an example of that, when you look at  
 23 the target stuff that's in here and we try to take this  
 24 into impact assessment it's important that we are kind of  
 25 staking out specific targets that are meaningful in terms

1 of the impact that they can have beneficially but also  
 2 potential negative impacts so we can evaluate that.  
 3 When you look in here you'll see flow targets,  
 4 ten day spring flow of 3,000 to 5,000 cfs. It has a  
 5 specific purpose behind it.  
 6 As we work our way through it maybe that ends  
 7 up being the target, maybe it doesn't. Maybe we determine  
 8 that 25,000 cfs works, maybe we determine it doesn't have  
 9 to be every spring. It has to be one spring in four.  
 10 We have to work our way through this but if we  
 11 don't set some numbers then we don't really have meaningful  
 12 analysis.  
 13 The same is true on storage and conveyance.  
 14 There may be people in here, Stu has already made some  
 15 reference, that look at some of those storage and  
 16 conveyance ones and say "Those aren't going to work maybe  
 17 because they're too expensive because we've got seven  
 18 million acre feet of storage in a large isolated facility  
 19 in the through-Delta and it's going to be too expensive or  
 20 maybe because it doesn't provide enough flexibility but  
 21 we've got to make sure that we're setting this range in  
 22 getting the analysis done.  
 23 So that's kind of my prelude. We want to go  
 24 into a couple examples to kind of help understand how these  
 25 pieces will fit together and I do want to start here with

1 conveyance configurations.  
 2 And so we end up with these 16 configurations  
 3 and that's where we are headed with the development of  
 4 these alternatives.  
 5 Well, you can clearly see what this says here  
 6 and I don't want to go into any detail on that then  
 7 (laughter).  
 8 Obviously, there is no way in a one day meeting  
 9 we can work through these 16 so I want to pick off three  
 10 that have enough spread that you kind of get a feel for how  
 11 these could work.  
 12 And this is kind of a simplified way of  
 13 explaining how these pieces fit together and we did include  
 14 this in your packet so that you can kind of take a look at  
 15 it.  
 16 But if you think of the top here being the  
 17 basic puzzle pieces, the storage options and the Common  
 18 Program and then over here you look at the different  
 19 conveyance and this is how you start kind of piecing it  
 20 together, we picked alternative 1A, which is the  
 21 re-operation.  
 22 Alternative one is basically reoperation of the  
 23 conveyance system and it has no storage associated with it.  
 24 And then 1C, which is the re-operation but has  
 25 storage enhancement.

1 kind of an old favorite in terms of how we piece all this  
 2 together.  
 3 You laugh, Ann, this will be a collector's  
 4 item, and we are producing these in limited editions.  
 5 This is the phase of the program. We focused  
 6 so much previously in developing these individual pieces  
 7 and so we've got two volumes on this and we now have the  
 8 summary out on this and the challenge that we have now is  
 9 starting to piece them together so it's got cohesiveness as  
 10 a complete strategy so that you can see that, you know,  
 11 pick a subject like Delta smelt, for example, that you've  
 12 got actions within the ecosystem program, storage and  
 13 conveyance, the levee program, water quality that all  
 14 benefit Delta smelt.  
 15 It's not in any one place and that's our  
 16 difficulty trying to explain this to see how these pieces  
 17 fit together to produce these kind of benefits.  
 18 Kind of a more specific way of stating this is  
 19 we talked about the common programs, the four common  
 20 programs, combined with the variable programs and earlier  
 21 we had these separated as storage and conveyance as two  
 22 variable programs and you can see we kind of dropped that  
 23 convention and we really talked about storage and  
 24 conveyance as a variable component and that gives you the  
 25 three original alternatives with multiple storage and

1 And then we've also picked 3B which is the dual  
 2 system with the 5,000 cfs isolated through-Delta and then  
 3 looking at storage and we think by discussing those three  
 4 you can kind of get a feel for how these fit together.  
 5 Obviously, we need to discuss all of these and  
 6 that's where we are headed for the May meeting.  
 7 Let me start with 1A.  
 8 What I want to do with 1A is in describing this  
 9 one go into a little more detail on the common programs and  
 10 then only refer to the common programs and the subsequent  
 11 ones so I am not going to repeat everything about the  
 12 Common Programs.  
 13 And what I want to try to do is at the -- kind  
 14 of the end of each alternative discussion highlight the  
 15 differences that you could see in some of the common  
 16 programs.  
 17 I'll probably have Dick and Steve help me out  
 18 on that and then have Dick and Steve also talk a little bit  
 19 about the operational considerations, and I want to give  
 20 you a big heads up on that.  
 21 The operational criteria, how you operate these  
 22 systems in the final analysis will be as important, if not  
 23 more important, than the physical configuration that you  
 24 come up with.  
 25 And I can't stress that enough and that's why I

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1 talk about at some point seeing model run after model run  
 2 because it's how you operate these systems that will be the  
 3 most important in terms of producing these linked benefits  
 4 that I talked about.

5 Alternative one, 1A, it relies on the Common  
 6 Program components. It relies very much on that for  
 7 producing the benefits.

8 It has basically the existing storage and the  
 9 existing conveyance facilities with actually no  
 10 modification to either.

11 You do some re-operation, we have water  
 12 conservation and transfers, groundwater management that  
 13 help deal with your supply needs and, of course,  
 14 fundamental to alternative 1A is you depend on the  
 15 ecosystem restoration program to reduce the impacts on  
 16 endangered species and then ideally reducing some of the  
 17 constraints on water supply and that's the basic premise of  
 18 alternative one.

19 Again, just to kind of show this -- in the case  
 20 of alternative one with few changes this ends up being kind  
 21 of a template to show how we're trying to develop this.

22 Again it's based on re-operation combined with  
 23 the common programs in trying to develop the linked  
 24 benefits within the common programs combined with  
 25 re-operating the system to produce benefits to all four

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1 resource areas. So you are not changing the system. It's  
 2 basically the way that it is today except for the improved  
 3 levees and the habitat that you are adding to that system.

4 So let me start with the common elements of the  
 5 ecosystem restoration program.

6 And this map tends to show, for example,  
 7 general areas that you'd have these kind of habitat types.

8 But within the ecosystem restoration program  
 9 we've got 75 to 120,000 acres of freshwater and brackish  
 10 tidal marsh shallow riverine habitat overlaying on this  
 11 system in different places.

12 We have significant improvement in the number  
 13 of diversions that are screened to protect fisheries. We  
 14 have development of floodway on the San Joaquin and  
 15 Cosumnes River for the functions on that system, and  
 16 increased management of introduced species into the system,  
 17 undesirable introduced species.

18 And so that's all part of the approach that's  
 19 common to all of the alternatives but certainly important  
 20 in 1A.

21 To continue on in the ecosystem program we have  
 22 a hundred to 200 miles of riparian woodland spread out in  
 23 the system.

24 We have 300,000 to 500,000 acre feet of  
 25 increased critical period flows.

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1 And this is an important issue. This is the  
 2 one that you'll probably see the greatest variability on  
 3 effect and impact given how you modify storage and  
 4 conveyance and it can change dramatically in terms of its  
 5 impact and your ability to do it by how the storage and  
 6 conveyance configuration is.

7 We also have 40 to a hundred tons of additional  
 8 gravel replacement in terms of spawning habitat, improved  
 9 fish passage on different barriers that limit access to  
 10 habitat and improvements in water quality that affect the  
 11 ecosystem.

12 So these are spread out through the system.  
 13 Obviously fish screens are located in different places, and  
 14 an interest in finding the priority areas, removing  
 15 barriers, critical flows across the system and gravel  
 16 replacement again in critical areas.

17 The water use efficiency program, just to kind  
 18 of remind everyone is there is five basic components in  
 19 terms of ag water use, urban, improved efficiency for  
 20 environmental diversions, water recycling and water  
 21 transfers.

22 Now, transfers is particularly important  
 23 because that can be a way that -- from going back to the  
 24 last Common Program that you provide for some of those  
 25 increased critical flows.

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1 And so again water transfers is not only  
 2 important in terms of providing economic incentive to water  
 3 use efficiency. It is a method of meeting these kind of  
 4 flows that we are targeting without regulatory processes.

5 A key part of the program is a locally based,  
 6 try to provide incentive for local implementation. That's  
 7 the basis of the urban MOU and the ag MOU under 3616, to  
 8 provide technical and planning assistance, provide funding  
 9 assistance for implementation and then some level of  
 10 assurance and those are the kinds of discussions that  
 11 happened on March 20th and we've talked about previously  
 12 here.

13 Water Quality Program.

14 Looking at -- you know, this highlights  
 15 different areas for different kinds of activities.

16 Certainly, a critical part that we've been  
 17 talking about is source control and treatment control at  
 18 mines. We often use -- what's that -- Iron Mountain mine  
 19 as an example of that.

20 Ag source controls in terms of runoff from  
 21 pesticides. We've talked about that in terms of source  
 22 control. Timing of discharge, potential conversion of some  
 23 ag lands, other kinds of management activities to deal with  
 24 salt control in the San Joaquin in particular, treatment of  
 25 certain kinds of ag drainage, implementation of stormwater

1 source controls, treatment of Delta Island drainage as  
 2 appropriate.  
 3 Looking at discharges in the system, discharge  
 4 permits, trying to improve drinking water treatment levels,  
 5 consideration of moving some of the intakes to provide  
 6 higher quality source water, such as the town of Tracy is  
 7 an example that. We can improve their water quality simply  
 8 by changing where they pick up their water, reducing boat  
 9 discharges within the system to control certain  
 10 constituents, and dilution water particularly related to  
 11 the salinity control.  
 12 We show here the issue of willing sellers but  
 13 actually if you recall the strategy that Alex had prepared  
 14 for review, a recirculation plan can accomplish the same  
 15 type of dilution in the system.  
 16 Levee program, a lot of different parts of  
 17 that. Basically a method for providing funding for public  
 18 99 standards, an equitable way of doing that in the Delta,  
 19 to be able to set priorities for special projects, to be  
 20 able to have clear priorities for proceeding in the Delta.  
 21 This is kind of a critical issue here, linking  
 22 the levee and habitat improvement projects, and this is an  
 23 example of that.  
 24 This is one of those areas where not only do  
 25 you get synergy and the kind of benefits you have which

1 I have to use my finger. That's such a  
 2 antiquated method. (Inaudible)  
 3 The first bullet up here, this is probably  
 4 fresh in some people's minds, the issue of establishing an  
 5 emergency response command structure to deal with  
 6 emergencies in the Delta.  
 7 People have a lot of practical experience now  
 8 from the January events and related to that is the  
 9 multi-agency response team, the emergency response fund,  
 10 having stockpiles to be able to respond quickly.  
 11 A separate kind of activity is it's clear there  
 12 needs to be a long-term program to really assess the  
 13 seismicity issue within the Delta, how we deal with it, and  
 14 as appropriate proceed with levee improvements to reduce  
 15 seismic susceptibility.  
 16 This is a critical feature that we are showing  
 17 here (indicating) in the system integrity program but we  
 18 have wonderful habitat in the Delta, some of which is  
 19 disappearing as we speak, the in-channel islands we need to  
 20 restore and rehabilitate those channel islands, and this is  
 21 kind of a critical feature.  
 22 You know an earlier slide indicated we needed  
 23 to deal with boating and boat discharges. We think a part  
 24 of that is to provide better recreational facilities so  
 25 that it's a more focused type of activity. We need to

1 actually could reduce costs. I mean, if you tabulate the  
 2 costs of levee improvements and then separately tabulate  
 3 the costs of habitat but then if you are able to run the  
 4 batteries down do this type of thing, you are getting two  
 5 birds with one stone and so this is an important feature of  
 6 the integration process, to be able to find places where  
 7 levees need to be repaired, you can go in and build better  
 8 levees and providing habitat and better flood capacity.  
 9 The issue of subsidence control, we will be  
 10 evaluating 30 to 60,000 acres for subsidence control,  
 11 constructing habitat improvement elements on the land side  
 12 and waterside of these berms, even when we are not doing  
 13 setback. The issue of sediment traps in the Delta is both  
 14 a kind of a flood issue as well as getting the source  
 15 material to do a lot of the habitat restoration.  
 16 The kind of habitat restoration we want to do  
 17 has a lot of materials requirements and if we have a place  
 18 to pick up the sediments then we have materials to work  
 19 with and that can also have a significant flood benefit.  
 20 This is kind of the same issue, establish a  
 21 dredge materials management office. It's the issue of how  
 22 to organize these dredge materials that are out there, some  
 23 of which are simply disposed of in the ocean today, how can  
 24 we manage those materials in a better way to help implement  
 25 the program.

1 limit it in certain areas and probably compensate by  
 2 enhancing recreation in others.  
 3 I want to talk about just some of the  
 4 differences. Again, this kind of sets up a template for  
 5 how we want to talk about the alternatives in the future to  
 6 be able to highlight, you know, given a particular storage  
 7 and conveyance approach what would be different about the  
 8 Common Program.  
 9 And the key thing in terms of the ecosystem  
 10 restoration program is if you're leaving the system the  
 11 same, which means the two largest diversions are in South  
 12 Delta, you are probably going to move your habitat away  
 13 from South Delta and put it in the north and West Delta to  
 14 avoid the impact of the pumps.  
 15 You are not going to build habitat in this area  
 16 because it becomes an attractive nuisance. So that's one  
 17 of the types of responses that you would have.  
 18 Also, with continued pumping here you need to  
 19 do something about the flows in these channels and so you  
 20 need to deal with the old river and then the issue of  
 21 staging in the South Delta.  
 22 Water quality you need to deal with the  
 23 drainage issues, the total organic carbon kinds of issues  
 24 in the Delta and so you would emphasize that in this  
 25 particular approach.

1 Maybe at this point some of the specific  
 2 concerns that might be associated with this approach.  
 3 Dick.  
 4 MR. DANIEL: A couple of obvious things,  
 5 alternative 1A doesn't include any additional storage, yet  
 6 we are looking for a very conservative amount of water to  
 7 be made available for ecosystem restoration.  
 8 That would then force the focus on to  
 9 transfers, conjunctive development of groundwater and the  
 10 acquisition of water rights which will be a little more  
 11 difficult.  
 12 Another element that we look at with regard to  
 13 alternative 1A is the fact that without changes in the way  
 14 that the Delta is operated it will require a much longer  
 15 period of time to achieve the degree of ecological health  
 16 that we are pursuing. I don't know how much longer it  
 17 would take but most certainly we would be much more  
 18 constrained, much less flexibility, and as Lester pointed  
 19 out, with the existing facilities the concern over  
 20 entrainment of fish and modification of Delta hydraulics  
 21 associated with the existing facilities remains in place  
 22 and remains a major obstacle to ecosystem recovery.  
 23 MR. YAEGER: I guess the other main  
 24 concern associated with alternative one is that there would  
 25 be very little water quality improvement for urban and ag

1 This is the existing system operated for more  
 2 efficiency.  
 3 The type of operation will remain about the  
 4 same as we see in today's operation. The only changes will  
 5 be reflective of the water conservation measures and any  
 6 savings that are generated there that would reduce pumping  
 7 from the Delta and I think Dick has some comments about the  
 8 way the operations work from the fisheries' perspective in  
 9 the ERPP.  
 10 MR. DANIEL: Yeah.  
 11 Of course, a major reason why we are here in  
 12 this process is the conflict between the existing pattern  
 13 of diversion and the maintenance of ecosystem health.  
 14 Without additional flexibility that remains a  
 15 problem and that conflict is not going to go away  
 16 exclusively because of the habitat restoration but we think  
 17 we can lessen it.  
 18 A concern I have is using up the flexibility  
 19 either with water transfers for agricultural and urban  
 20 purposes or ecosystem restoration.  
 21 We are going through some processes right now  
 22 where we are redirecting some operations in the Delta or  
 23 hoping to do so and have to face the need to make up that  
 24 water later on in the year during a relatively limited  
 25 window of opportunity.

1 water use associated specifically with the storage and  
 2 conveyance elements since we are using the existing system  
 3 for conveyance and there is no storage link for that.  
 4 However, there are still the ecosystem water quality  
 5 improvements that are the focus of the Common Program for  
 6 water quality.  
 7 I want to introduce Judy Heath. I think you  
 8 met her before. She is our assistant manager in the Water  
 9 Quality Program and she is going to discuss in a little  
 10 more detail those specific improvements in the Common  
 11 Program that address the ecosystem water quality.  
 12 MS. HEATH: There would be, as Steve has  
 13 mentioned, little improvement in the urban and agricultural  
 14 water quality, specifically salts, for water supplies that  
 15 would draw from the Delta and in addition there would be a  
 16 little improvement in the water quality in the San Joaquin  
 17 River and that would be mainly derived from the land  
 18 conversion opportunities.  
 19 That's about all I could say for this  
 20 particular alternative.  
 21 EXECUTIVE DIRECTOR SNOW: Okay. Did you  
 22 want to hit some of the operational issues, the flow  
 23 issues, for this one?  
 24 MR. YAEGER: Maybe I'd start with the  
 25 operational discussion.

1 So in terms of operations we've had a lot of  
 2 experience operating the system under this configuration.  
 3 We haven't totally failed but we don't have as much  
 4 flexibility as we'd like to see.  
 5 EXECUTIVE DIRECTOR SNOW: Okay. Let's  
 6 move on and hit some other options and then I think kind of  
 7 the plot thickens or the need to kind of understand the  
 8 flow stuff gets more important.  
 9 MR. GRAFF: Lester, before you go on to  
 10 the next alternative shouldn't you have a financial  
 11 component for this discussion? Like how much does this  
 12 cost? How much do the others cost if we go along?  
 13 EXECUTIVE DIRECTOR SNOW: We need to make  
 14 the decision. I guess our feeling is we don't need that at  
 15 this point. I mean, we are trying to flush out what would  
 16 work.  
 17 As you may know, under NEPA and CEQA you can't  
 18 necessarily use money to screen out your alternatives at  
 19 the front end. It becomes a consideration as you go  
 20 through.  
 21 So we've tried to configure these with some  
 22 sense of cost effectiveness but that's not what we are  
 23 using right now to kind of fine-tune these.  
 24 Obviously your point is well taken. When we  
 25 get the 16 laid out you have to have kind of the range of

1 cost numbers associated with them. We are not letting the  
 2 costs drive it too much at this point.  
 3 MR. GRAFF: I mean, shouldn't you have  
 4 kind of a rough estimate because, you know, people say, as  
 5 we're saying here, here are some of the obvious problems,  
 6 here are some of the possible benefits, you are going to do  
 7 that for each alternative, but one alternative costs one  
 8 billion and the next one costs 20 billion, people ought to  
 9 know that.  
 10 EXECUTIVE DIRECTOR SNOW: Right. I agree.  
 11 We hadn't developed that for it today. We probably can  
 12 have some sense of that for the May meeting.  
 13 MR. GRAFF: That would be great.  
 14 CHAIRMAN MADIGAN: Alex.  
 15 MR. HILDEBRAND: Regarding this  
 16 groundwater storage and management, a million acre feet of  
 17 underground storage I assume is what you are talking about  
 18 here.  
 19 It isn't clear at this point and perhaps you  
 20 don't want to go into that detail at this point in time but  
 21 there is a question of where do you locate that and how do  
 22 you get that water underground, when it's available, how  
 23 much yield are you actually going to get out of that in  
 24 order to see to what extent we are actually augmenting the  
 25 water supply with that management and to what extent we are

1 going to continue to reallocate water away from agriculture  
 2 and aggravate the problems that Petry talks about.  
 3 And so it's hard to evaluate what the impacts  
 4 and benefits are here, to what extent we are supplying some  
 5 additional water and to what extent we are just  
 6 reallocating the water we have.  
 7 EXECUTIVE DIRECTOR SNOW: I think -- let  
 8 me give you a couple quick responses.  
 9 In general the groundwater storage and  
 10 management when you see the one million acre foot summary  
 11 here, that's 500,000 acre feet in the Sacramento Valley and  
 12 500,000 acre feet in the San Joaquin Valley and it would  
 13 probably -- and Steve can comment on this -- be both  
 14 directory charges also as in lieu. It would tend to have  
 15 the effect of helping to boost particularly the water short  
 16 years so that you, you know, make sure that you get the  
 17 water in the ground either directly or in lieu and then be  
 18 able to trade out surface diversions to ground water  
 19 pumping.  
 20 It is not in that fashion based on any  
 21 assumption of ag land going out of production when we look  
 22 at it in this regard.  
 23 MR. HILDEBRAND: Then it doesn't  
 24 substitute for taking ag land out of production nor to  
 25 provide these flows.

1 Because I believe what you're saying, you are  
 2 not really expecting an overall multi-year yield to come  
 3 out of this but merely get more water in some years and  
 4 less in others.  
 5 Is that right?  
 6 MR. YAEGER: That's right, Alex.  
 7 Our main mode of operation is a dry year  
 8 operation of the groundwater banks so that we won't be  
 9 tapping routinely on an average or wet year basis.  
 10 MR. HILDEBRAND: Will the groundwater  
 11 overdraft continue as it is then, a couple million acre  
 12 feet average?  
 13 MR. YAEGER: As Lester indicated, we are  
 14 going to be looking both at direct recharge and in lieu.  
 15 Of course, the in lieu can have substantial benefits as far  
 16 as bringing back overdrafted groundwater basins and we can  
 17 keep that as a prime consideration in looking at the types  
 18 of projects that we would develop.  
 19 MR. HILDEBRAND: Another follow-up  
 20 question is if you continue to rely on reallocating water  
 21 from agriculture to streamflow, how will you ensure that  
 22 that doesn't result in an increase in the overdraft of  
 23 groundwater?  
 24 EXECUTIVE DIRECTOR SNOW: I guess maybe  
 25 I'm thinking too much of Sac Valley right now and I need to

1 think of San Joaquin because that's really where your issue  
 2 is, like South San Joaquin County.  
 3 But, I mean, I think we are premising  
 4 conjunctive use type strategies on long-term  
 5 sustainability. I mean, I think if we go in anywhere with  
 6 a program that exacerbates or even just allows to remain a  
 7 long-term depletion of groundwater basin we are not going  
 8 to have a successful program.  
 9 And so I think particularly up in the  
 10 Sacramento Valley where the landlords there are very  
 11 sensitized to this kind of issue we have to have a program  
 12 that they are comfortable with, participating in, perhaps  
 13 even proposing, that fits into a stabilized groundwater  
 14 supply for those people up there and then ties in in  
 15 perhaps a complicated way but ties in to fill a particular  
 16 niche in the long-term solution to the Bay-Delta problem.  
 17 And in this case that long-term niche is being  
 18 able to boost critical year supplies when you need them.  
 19 MR. HILDEBRAND: I can see how you may do  
 20 that in Sacramento Valley where it's a water surplus valley  
 21 but I don't understand how you are going to do it in the  
 22 San Joaquin.  
 23 EXECUTIVE DIRECTOR SNOW: Yeah, I think  
 24 there is probably some areas that you can do it.  
 25 I understand the point that you are raising.

1 It's a very valid point, both a political as well as a  
 2 technical water resource point that we have to address.  
 3 CHAIRMAN MADIGAN: Tom. Mary.  
 4 MR. MADDOCK: Maybe you can explain in the  
 5 alternative one that you thought there was something like  
 6 300,000, 500,000 acre feet of additional water, I gather,  
 7 of yield that would be generated and could you explain what  
 8 is the physical mechanism by which that additional water is  
 9 generated, by leaving the configuration of the Delta alone?  
 10 That's one question.  
 11 Then the next one is that Dick mentioned, well,  
 12 there would be a problem here in terms of the hydraulics, I  
 13 gather, with water transfers, so water transfers, the  
 14 potential of water transfers, whatever that is, a hundred  
 15 percent or only ten percent, couldn't be realized with its  
 16 alternative and it needs some help on that.  
 17 And then I suppose for all of these, like on  
 18 water quality, will this alternative improve the water  
 19 quality as compared to a benchmark of what we have now at  
 20 50 percent. Will it go up to 50 percent or is it only ten  
 21 percent?  
 22 Will it clean up the THM's or what is some  
 23 measure of that?  
 24 And then, finally, I'd like to reinforce what  
 25 Tom Graff said about the cost on this and then trying to

1 of volumes of water might be available both for ecosystem  
 2 and for water supply availability.  
 3 Addressing the cost issue I would recognize, of  
 4 course, that we need to develop costs associated with the  
 5 alternatives as well as develop the benefits that need to  
 6 equate with the costs and so that will be something we are  
 7 working on in the next several months.  
 8 We do need to kind of formulate the  
 9 alternatives, make sure that we are all okay with the way  
 10 they are formulated before we get into a lot of cost  
 11 analysis but that's something that's on our screen to get  
 12 started on as soon as we can bring some closure to the  
 13 alternatives.  
 14 CHAIRMAN MADIGAN: Mary.  
 15 MS. SELKIRK: I had a procedural question.  
 16 Are we going to have an opportunity today to  
 17 begin to look at these different alternatives and run them  
 18 by the solution principles?  
 19 It seems to me that even at this preliminary  
 20 stage that would be useful for us to do, to begin to  
 21 address what people were addressing this morning with  
 22 regard to exactly how this component integration process is  
 23 taking the solution principles into account.  
 24 Also -- that's one thing.  
 25 And then, secondly, I think in addition to

1 relate the costs to some of these accomplishments that  
 2 whether it's 300,000 acre feet or some improvement in the  
 3 water quality or some help to the fish or something.  
 4 It seems to me you've got to relate the costs  
 5 to these accomplishments.  
 6 So it's a rambling series of questions and I'd  
 7 appreciate some help on them.  
 8 EXECUTIVE DIRECTOR SNOW: Let me start  
 9 with, I think it was the first one about the 300,000 to  
 10 500,000 acre feet that we brought up.  
 11 That was not an indication of increased yield.  
 12 The 300,000 to 500,000 acre feet was an indication of the  
 13 flows in the ecosystem restoration program and so those are  
 14 either achieved through acquisition or, you know,  
 15 conjunctive management or transfer system or anything that  
 16 you can potentially squeeze out of the re-operation  
 17 strategy but that's not really increased yield for  
 18 alternative 1A.  
 19 That's a water requirement for the ecosystem  
 20 restoration program as represented by the initial targets  
 21 that we've established.  
 22 MR. YAEGER: We are going to talk through  
 23 when we finish going through the alternative the operations  
 24 a little bit, I think which will address your first  
 25 question somewhat about how it will be operated, what kinds

1 hearing your perspectives -- very global perspectives on  
 2 what looks good and what's difficult, you know, associated  
 3 with each of these alternatives, I want to assure that we  
 4 have some opportunity here to have a discussion at some  
 5 point where we've looked across these three as illustrative  
 6 of some of the kinds of different habitat restoration that  
 7 is implied in the different levels of demand management  
 8 that might be required so that we begin to have an  
 9 understanding of what you all are doing five days a week  
 10 now in terms of trying to -- seven days a week -- you know,  
 11 trying to end up with a referral.  
 12 EXECUTIVE DIRECTOR SNOW: Right. I'm  
 13 going to jump ahead real quick, not for long.  
 14 But it's just that this is illustrative of  
 15 Mary's point (indicating).  
 16 We are, and I hesitate to tell you it gets a  
 17 lot worse than this (indicating), but we are kind of almost  
 18 cavalierly saying, "Well, this is a benefit and this is a  
 19 concern with this alternative" but where we have to go with  
 20 this is actually pick up every single objective and  
 21 subobjective in the program and make an evaluation of how  
 22 that alternative performs, look at the adverse impacts  
 23 identified in the analytical process and look at compliance  
 24 or consistency with solution principles.  
 25 And so while at this stage it's kind of nice to

1 talk and wave hands around we have to end up being able to  
2 make some basic assessment by the objectives that we've  
3 established, the impacts that we have analyzed from the  
4 alternatives in consistency with solution principles.

5 And so if you're kind of thinking about what's  
6 in front of us for the interesting discussions of BDAC this  
7 is where we are headed where we will be able to kind of  
8 present some assessment and there will be a lot of  
9 discussion about why is that a high impact and this one a  
10 low impact and why is that a high achiever on performance  
11 measures and that one a moderate achiever and that's  
12 exactly where we are headed.

13 Should I go on with 1C?

14 CHAIRMAN MADIGAN: Okay.

15 EXECUTIVE DIRECTOR SNOW: 1C again is in  
16 the alternative one, which is basically the existing  
17 conveyance system.

18 What changes in this one is sufficient  
19 modification in the South Delta to be able to utilize the  
20 full pumping capacity. The existing pumping capacity that  
21 is there so you are not adding pumps or anything like that  
22 but you are changing it so that you can utilize the full  
23 pumping capacity.

24 And then we are evaluating three million acre  
25 feet of surface storage. In the Sac system 500,000 acre

1 Certainly, when you have storage, I mean, in  
2 the basic system all you are doing is allocating the time  
3 of the water. That's all a reservoir does is it catches  
4 the flood flow and holds it for when you can use it later.

5 MR. HILDEBRAND: Well, I guess they should  
6 say the increased supply of beneficial uses of water.

7 EXECUTIVE DIRECTOR SNOW: Right.

8 And so what we are doing as an example, the  
9 kind of modeling that we would do is we would take  
10 offstream storage in the Sac Valley and we would do a model  
11 run that operated the reservoir solely for the purpose of  
12 improving fisheries benefits, fish flows, and then we might  
13 operate the model to provide nothing but ag and urban water  
14 supply benefits so we've got a book end.

15 And what you are getting at, Alex, is how do  
16 you get to that operational regime that provides you that  
17 kind of balance and then also gives you the numbers that  
18 Tom has been asking for in terms of how do you evaluate  
19 cost effectiveness.

20 And so that's why I referred earlier to the  
21 physical configuration is one thing but once you get it  
22 it's the operational criteria that really drives the cost  
23 effectiveness and how the benefits flow out of it.

24 And that's also as we start refining and  
25 putting these alternatives together that becomes a critical

1 feet of the groundwater conjunctive use that we just talked  
2 about with Alex. It has the South Delta improvements which  
3 allow you to go the full capacity, improvements of the  
4 State and Federal project with a lot of re-operation going  
5 on to meet the mutual benefits.

6 We have in the San Joaquin Valley analyzing  
7 half a million acre feet of groundwater and also evaluating  
8 a million acre feet of off aqueduct or offstream surface  
9 storage and so that's the basic configuration that's being  
10 modeled in alternative 1C.

11 Additional storage, increased flexibility in  
12 the way that you operate the system.

13 MR. HILDEBRAND: Could I ask another  
14 question?

15 CHAIRMAN MADIGAN: Alex and Stu.

16 MR. HILDEBRAND: Regarding these storage  
17 facilities it would be helpful if we understood better to  
18 what extent this storage is going to be used to reallocate  
19 a fixed water supply in time and to what extent it's going  
20 to be used to increase the overall water supply and if so  
21 what the increased water supply would be used for.

22 EXECUTIVE DIRECTOR SNOW: I think we'll be  
23 able to demonstrate that.

24 But let me just kind of give you a quick  
25 snapshot.

1 feature, how we characterize the operating criteria.

2 CHAIRMAN MADIGAN: Tom.

3 EXECUTIVE DIRECTOR SNOW: Steve and Dick  
4 are going to try to give you a feel for that -- that  
5 hydrograph and how you can work with it and how you can get  
6 those benefits.

7 CHAIRMAN MADIGAN: Tom.

8 MR. MADDOCK: With this configuration is  
9 the carriage water requirement then the same as it is today  
10 would still be required, is that right?

11 MR. YAEGER: Yes, that's right.

12 There is no change in carriage water  
13 requirements with these improvements.

14 MR. MADDOCK: And how much of that is a  
15 percentage of the inflow?

16 In other words, to give water across the Delta  
17 what percentage is the carriage water?

18 MR. YAEGER: I think that the latest  
19 understanding of that, Tom, is that the carriage water  
20 requirements are much higher in critical years and some of  
21 the lower dry years decline pretty dramatically as you get  
22 into average years and wet years and kind of disappear so  
23 it varies by year type and by antecedent conditions and  
24 it's very much kind of a yearly, monthly --

25 MR. MADDOCK: What is it in a dry year?

1 MR. YAEGER: I don't have that number  
 2 right off the top of my head.  
 3 Some of the figures that we have used in the  
 4 past are 25 to 30 percent but, of course, it, again, varies  
 5 by how dry the year is, what the pattern is during the dry  
 6 year, those kinds of things.  
 7 So I think it could be as low as 15 percent but  
 8 maybe as high as 30 percent.  
 9 EXECUTIVE DIRECTOR SNOW: But it seems  
 10 like the accord modified a bit the way we would look at  
 11 carriage water, what we used to model now that you have the  
 12 accord that has these inflow export ratios has changed that  
 13 a bit.  
 14 And, of course, that's another issue. But,  
 15 again, the operating criteria, what do you assume --  
 16 particularly when you get into changing the system  
 17 configuration, what do you assume about those things?  
 18 Since it's never been done what kind of range  
 19 of assumptions do you make?  
 20 CHAIRMAN MADIGAN: We have one more  
 21 question.  
 22 Richard, go ahead.  
 23 MR. IZMIRIAN: The word improvement is  
 24 showing up more and more in our discussions and our  
 25 documents. I'm afraid it's a little bit like the word

1 stage issue and water quality issue in South Delta  
 2 channels.  
 3 In the past barriers have been -- (inaudible).  
 4 CHAIRMAN MADIGAN: Richard, in this  
 5 instance improvement actually means efficiency.  
 6 Did that help?  
 7 MR. IZMIRIAN: Then why not just say what  
 8 it is rather than calling it an improvement?  
 9 MR. YAEGER: Improvement was kind of a  
 10 code word to try and describe a very long list that  
 11 wouldn't fit on the slide.  
 12 Is there still some confusion about exactly  
 13 what kinds of things we are doing in the South Delta  
 14 channels?  
 15 We'll be looking at barriers. We'll be looking  
 16 at other types of ways to deal with the stage issue, such  
 17 as dredging channels and lowering pumps and all of those  
 18 kinds of things.  
 19 MR. IZMIRIAN: I'm talking about a general  
 20 communication problem here.  
 21 When we read in documents about something  
 22 that's being improved and we can't readily find what is  
 23 meant by improvement and we are hearing that it can mean a  
 24 whole bunch of things and I'm just afraid that every single  
 25 group is going to have a different interpretation of what

1 efficiency that we've had to deal with in the past.  
 2 Can we use some more precise language? Some of  
 3 us don't know what improvement is an euphemism for.  
 4 EXECUTIVE DIRECTOR SNOW: As we have used  
 5 it on the slide, for example?  
 6 MR. IZMIRIAN: Yes. On the slide and in a  
 7 lot of discussion about channel improvements.  
 8 EXECUTIVE DIRECTOR SNOW: Okay. Well,  
 9 Steve, why don't you go ahead and describe what the  
 10 improvements are in order to get full pumping capacity.  
 11 MR. YAEGER: What improvement refers to on  
 12 this slide (indicating) or what you see indicated on this  
 13 overhead on the right, that is, there would be improvements  
 14 in the channel capacity in Old River, and that could be  
 15 setback levees. It could be a parallel channel. It could  
 16 be dredging. We haven't narrowed down those options.  
 17 There would also be improvements, for instance, at the head  
 18 of Old River to deal with the salmon migration issue and an  
 19 operable barrier has been the type of improvement that has  
 20 been discussed there the most.  
 21 There is an option we'll be looking at that  
 22 would reroute the channel in a way that we think may  
 23 accomplish the same objective.  
 24 There would also be improvements in the  
 25 Delta -- South Delta channels in order to deal with the

1 improvement might mean.  
 2 CHAIRMAN MADIGAN: Precision is a virtue  
 3 and we should move in that direction where we can. Point  
 4 well made.  
 5 Lester.  
 6 EXECUTIVE DIRECTOR SNOW: Yeah. I'm just  
 7 trying to think that through. We have -- we're developing  
 8 this communication problem where we work through these  
 9 alternative descriptions and when we think, well, it's  
 10 important that people understand this and we keep adding  
 11 stuff on and we end up with 35 page summaries of an  
 12 alternative so we are trying -- I mean I think we are going  
 13 to have to have both. We are going to have to have both  
 14 kinds of things very detailed so that in one place there is  
 15 a quick reference to South Delta channel improvements and  
 16 somewhere else there is 15 pages on exactly what those are.  
 17 So we kind of have the summary and the appendix. Because I  
 18 think that's the path that we are on to do this. But it's  
 19 a very good point and I think communication is going to be  
 20 critical on this.  
 21 Okay. Let me move on in terms of 1C.  
 22 CHAIRMAN MADIGAN: Stu.  
 23 MR. PYLE: Lester, I want to -- you kind  
 24 of got to what my question was about in discussing with Tom  
 25 the Delta operating criteria and I wondered if you were

1 going to display those in any more detail?  
 2 I assume that everything that you are doing  
 3 here is working with the accord and I don't know if part of  
 4 your project operation deals with changes in the accord  
 5 Delta operating criteria which would then result in, let's  
 6 say, different pumping requirements resulting in different  
 7 water supplies available to the export projects and so  
 8 forth?  
 9 So the question is do you have a big chart like  
 10 you showed Mary?  
 11 Is that on there?  
 12 EXECUTIVE DIRECTOR SNOW: Not like that,  
 13 no.  
 14 I mean, we are assuming the accord. I mean,  
 15 the accord is a given.  
 16 However, when you change the configuration of  
 17 the Delta -- the accord was based around this system with  
 18 the diversions in a given type of configuration so the  
 19 extent to which we changed the configuration and the  
 20 diversion pattern, then you have to look at how would you  
 21 modify your regulatory structure or how would you modify  
 22 your operating regime so when we get into particularly  
 23 alternatives two and three and the various configurations  
 24 we have to set up a range of operating criteria that would  
 25 in fact be different than the accord.

1 MR. YAEGER: Maybe as just kind of a  
 2 general statement we ought to say that, as Lester said, we  
 3 are using the accord as the foundation we are building from  
 4 but as we add storage and conveyance, I was going to say  
 5 improvements but I'll find some other word, storage  
 6 facilities and conveyance facilities, we are modeling those  
 7 operations, looking at increasing the level of protection  
 8 above the accord at the same time we are increasing water  
 9 supply reliability.  
 10 EXECUTIVE DIRECTOR SNOW: Okay. One of  
 11 the things that I would stress that's kind of important  
 12 from the ecosystem standpoint is that in 1C unlike 1A you  
 13 are talking about modifying the system enough to move to  
 14 more efficient or as we referred to here state-of-the-art  
 15 fish screens to improve the efficiency of screening pumps,  
 16 screening fish away from the pumps and can have a  
 17 significant impact.  
 18 In terms of differences with respect to 1C in  
 19 the common programs, because you are making and increasing  
 20 some flexibility you may be moving habitat closer into this  
 21 area. It's not as bad -- it's not as dangerous, I guess I  
 22 would say, as it was in alternative 1A and so you may be  
 23 making some adjustments there. But, again, probably your  
 24 emphasis is in central west and northern Delta.  
 25 What you have here in this case that's

1 different than the others for the ecosystem program is with  
 2 the increased storage you have considerable opportunity to  
 3 meet -- hit some of your flow objectives, your ecosystem  
 4 flow objectives in the fashion that you want because of the  
 5 flexibility created by the storage on both systems, both  
 6 groundwater and surface water.  
 7 Again, the role that storage plays is that you  
 8 can operate storage to give you greater flexibility in  
 9 achieving your water quality objectives, both ecosystem as  
 10 well as ag and urban water supplies.  
 11 Yes?  
 12 MS. SELKIRK: I had a question regarding  
 13 fish --  
 14 CHAIRMAN MADIGAN: Mary, use your Mike.  
 15 MS. SELKIRK: Okay.  
 16 I had a question regarding fish screens at the  
 17 pumping facilities, why they were not included in  
 18 alternative 1A?  
 19 Because I know that there is one difference in  
 20 terms of habitat restoration emphasis in 1A is that there  
 21 would be less habitat emphasis in the South Delta because  
 22 the pumps would still be operating as usual.  
 23 Tell me why installation of fish screens  
 24 wouldn't -- couldn't be construed to be another type of  
 25 re-operation.

1 MR. YAEGER: The way we've structured the  
 2 three different variations of alternative one, they are all  
 3 an existing system.  
 4 You've seen 1A which is no change. You've seen  
 5 this that has storage attached to it.  
 6 And 1B essentially does what you said. It adds  
 7 fish screens. It does not add storage and it adds this  
 8 link between the State and Federal projects to give you  
 9 those efficiencies. So it gives you kind of those three  
 10 stages of efficiency improvements.  
 11 EXECUTIVE DIRECTOR SNOW: Okay. Dick, do  
 12 you want to hit some of the concerns that are obvious on  
 13 1C?  
 14 MR. DANIEL: Yeah.  
 15 I mean, an obvious concern, something we have  
 16 to deal with under this and virtually all of the remaining  
 17 alternatives is the probable or potential impacts  
 18 associated with diverting water to storage, when you can do  
 19 that, how you can do it, whether or not you have  
 20 unacceptable impacts in the storage site.  
 21 Another concern sort of addresses Mary's issue  
 22 is fish screens in the South Delta could be made reasonably  
 23 effective at the site but you still have to deal with the  
 24 fact that you are drawing water and fish and eggs and  
 25 larvae across the Delta in an unnatural pattern and that

1 remains a concern.  
 2 The South Delta facilities -- I have a hard  
 3 time of thinking of them as improvements in the ecosystem  
 4 sense as well -- the projects that would be implemented to  
 5 increase the flexibility and additional export capacity  
 6 associated with them bring with them some concerns or  
 7 impacts in that portion of the Delta as well.

8 Physical impacts in terms of habitat  
 9 disturbance and operational impacts associated with the  
 10 fact that the purpose would be to allow more water per unit  
 11 time to move across the system and out of the Delta as  
 12 well.

13 Those are some of the concerns. I hate to  
 14 dwell on the negative but those are some issues that we'll  
 15 have to evaluate.

16 EXECUTIVE DIRECTOR SNOW: I was just going  
 17 to say this one has enough modification where I think it's  
 18 illustrative to kind of look at what's happening to the  
 19 hydrograph, how you manage this kind of storage and  
 20 hopefully achieve multiple benefits so this is a good time  
 21 to have Steve talk a little bit about the flow patterns.

22 MR. YAEGER: I'm going to start kind of in  
 23 the north and the Sac Valley and describe the operations  
 24 kind of on a geographic scheme north to south and then try  
 25 to bring that all back together a little bit and then

1 concept that we've been pursuing. It has importance, a  
 2 great deal of importance on the Sacramento River above  
 3 Chico Landing, the unveeved portion, some degree of  
 4 importance from Chico Landing on down towards Hood where we  
 5 do have levees but the levees are set back in a large  
 6 portion of that area and the river can function and  
 7 ecological processes can take place.

8 Same with regard to sediment transport. With  
 9 regard to estuarian salinity obviously we are most  
 10 concerned in the Delta itself. Egg and larval transport,  
 11 those species that spawn in a lower portion of the system  
 12 are transported through the Delta as eggs or larvae, the  
 13 flow plays a very important role in getting them through  
 14 the Delta and into the estuary into the areas where we have  
 15 high productivity in the northern portion of the Bay.

16 There are species that have evolved and adapted  
 17 to patterns of flow that are very important to their  
 18 long-term survival.

19 Something I've been preaching of late that  
 20 seems to get some recognition is the fact that the rivers  
 21 in the Delta came first, that the species that are  
 22 dependent on that system evolved to take advantage of  
 23 regularly reoccurring or reliable flow events in terms of  
 24 developing a life history stage that allowed them to  
 25 succeed in what is a very rigorous environment because of

1 Dick's going to talk about the fisheries things that are  
 2 going on and why some of those operations have been put  
 3 together in the scenario that we are going to present.

4 And again I want to emphasize this is just one  
 5 operational scenario among many that we are looking at and  
 6 there is many, many more besides those that we are going to  
 7 look at before we get to the end of the road.

8 We have a lot of suggestions from stakeholder  
 9 groups and other agency people about different operating  
 10 scenarios to look at. But as Lester said earlier, this is  
 11 really where the rubber meets the road is in the  
 12 operational scenario that's chosen for the alternatives.

13 Maybe we should have Dick kind of set this up  
 14 first with some of the discussions about the ecosystem  
 15 parameters that we are looking at and then I'll talk about  
 16 how the operations have been crafted to fit some of those  
 17 different scenarios.

18 MR. DANIEL: And I am going to do this in  
 19 a very general way but I want to illustrate some of the  
 20 concepts that we are looking at.

21 Through time, through various periods of the  
 22 year, various durations and various magnitudes of flow we  
 23 can assess ecosystem processes that are driven by the flow  
 24 which is really the energy in the system.

25 String channel meander is a very important

1 California's weather patterns.

2 One way of looking at this and this is a very  
 3 hypothetical, this is a typical flow pattern for a typical  
 4 water year in California with the vast majority of the flow  
 5 happening during the February and March time frame, flows  
 6 diminishing on either side of that peak. Those of you who  
 7 have some experience or have read about the life history  
 8 stages of many of the species that are dependent on the  
 9 system in particular salmon you know that the month of  
 10 March is very, very important in terms of upstream  
 11 migration, downstream migration. It's also very important  
 12 for resident species that spend most of their time in the  
 13 Delta. These March flows very often trigger spawning  
 14 events and the reproductive cycle for many of these fish.

15 So when we look at the time value of water we  
 16 see that these peaks and flows are flow events during the  
 17 February, March and early April time frame are very  
 18 important and are a natural feature of the unmodified  
 19 hydrograph.

20 When you look down at Hood, further downstream  
 21 you can see that the period of value or the important  
 22 period of time has spread out. That's a very natural  
 23 process as a result of accretion of flow. You get a more  
 24 attenuated flow pattern further downstream.

25 This is the kind of pattern under which we see

1 more of the rearing of fish in the Delta in the area  
 2 immediately above the Delta. This is the period of time  
 3 where we have an unmodified system of stable flow that  
 4 would allow for the germination and early growth of plant  
 5 species in the riparian community so we see a broader ban  
 6 but a smaller volume of water because of the natural  
 7 attenuation of the flows as they come downstream.

8 When you look at the Delta itself, here again  
 9 it's quite similar to the areas immediately upstream.

10 You see a broader period of time where flows  
 11 are relatively stable and comparably higher than they are  
 12 in the fall and the mid-summer period.

13 Again this is the time period where you see  
 14 rearing of fish, the development of balloons for food chain  
 15 production and maintenance of habitats through the  
 16 deposition of sediments that have been carried down by the  
 17 higher flow periods upstream and the development of the  
 18 tule marshes and all of the typical habitats that we look  
 19 at in the Delta.

20 These are some of the very general concepts  
 21 that we are looking at in terms of trying to figure out how  
 22 to re-operate the system and to allocate this water that we  
 23 are looking for through an acquisition and development  
 24 program for the ecosystem program.

25 MR. YAEGER: Let me put this one back on.

1 over whether, you know, is this value 40,000 cfs, is it  
 2 50,000 cfs, somewhere in that range, and you look down here  
 3 and you see that we can protect these ecological values at  
 4 that range and still move water off of the peaks of the  
 5 hydrograph in the storage north of the Delta.

6 So this is the general operation of north of  
 7 Delta Storage. We'll be moving water, as we talked here,  
 8 and I'm going to show you another graph that shows how  
 9 we'll be releasing water to the river --

10 MR. DANIEL: Before you move that one,  
 11 Steve, one thing that I'd like to point out. Steve  
 12 mentioned that the thought would be moving water to an  
 13 offstream storage site below Chico Landing and I want to  
 14 emphasize that we've talked a great deal in-house about the  
 15 desirability of that is primarily an environmental concern  
 16 in that we are not real sure how to model the way the  
 17 Sacramento River would work under a diminished peak flow  
 18 regime in the unleveed portion, which is that area above  
 19 Chico Landing.

20 As we talked about that we concluded that it is  
 21 quite feasible to move water to offstream storage on the  
 22 Sacramento River below Chico Landing such that we can just  
 23 avoid the uncertainty associated with how the river would  
 24 work on a different regulated pattern.

25 So there is a lot of ecosystem health

1 And I want you to keep in mind Dick's  
 2 hypothetical example here, the ecological value of water at  
 3 Chico Landing and again Chico Landing is high in the  
 4 system. It's up near the town of Chico right below the  
 5 meander section of the river.

6 North of Delta Storage the plan there is to  
 7 divert near the Chico Landing area, go somewhere downstream  
 8 and again you've seen hydrographs like this in the past  
 9 that we've showed you but we wanted to bring this one to  
 10 you because this is a -- the actual hydrograph of the  
 11 Sacramento River 1995-1996.

12 When you look at the kinds of value that the  
 13 water has in the river during the time frame January,  
 14 February, March, April and then you compare it with this  
 15 existing hydrograph, you can see that there is, of course,  
 16 very good correspondence and there is some physical reasons  
 17 for that of course.

18 But the point I want to make here as we said in  
 19 the past we are going to be moving water into north of  
 20 Delta Storage during these periods on the hydrograph where  
 21 we have very high flows.

22 In this case you can see that those peaked out  
 23 at about 225,000 second feet.

24 So if you superimpose the picture of the  
 25 ecological value and there has been a lot of discussion

1 associated with that concept and I want to emphasize.

2 MR. YAEGER: I just want to clarify a  
 3 point. On this hydrograph this light line you see -- or  
 4 the dark line, anyway, is the unimpaired flow in the Delta  
 5 through the rivers and this light line you see here  
 6 (indicating) is the effect after the State and Federal  
 7 pumps have taken water out of the system.

8 So this would be the same kind of concept and  
 9 the same kind of impact you'd see moving water to north of  
 10 Delta Storage. However, it would be quite a bit less than  
 11 the slivers that you see there.

12 CHAIRMAN MADIGAN: Tom.

13 MR. MADDOCK: I think you may have just  
 14 answered my question, Steve, but I gather the hypothetical  
 15 hydrograph is the unimpaired flow.

16 In other words, it doesn't reflect the storage  
 17 in the system at Shasta and at Oroville and I gather the  
 18 same is true on your hydrograph on the right, is that it's  
 19 again unimpaired.

20 In other words, it doesn't reflect the storage  
 21 that's in the system nor storage that would be proposed.

22 MR. YAEGER: In fact, this dark line is  
 23 the actual net Delta outflow index, which was the measured  
 24 values in the river.

25 MR. MADDOCK: Okay. So it does reflect

1 storage existing?  
 2 MR. YAEGER: Yeah, it does reflect the  
 3 regulation that you get through the upstream reservoirs  
 4 but, of course, during flow peaks of this type you are not  
 5 being able to store any water in the reservoirs.  
 6 You are only delaying the time it moves through  
 7 there by a matter of a day or two.  
 8 MR. MADDOCK: But my point is we are  
 9 looking at two different things.  
 10 The hydrograph on the right reflects the use of  
 11 storage.  
 12 The hydrograph on the left, if I understood  
 13 your explanation, is that there is no storage reflected in  
 14 that hypothetical hydrograph.  
 15 MR. DANIEL: That is correct.  
 16 We are just trying to show a pattern here of  
 17 unimpaired flow.  
 18 CHAIRMAN MADIGAN: Alex and then  
 19 Pietro --  
 20 MR. HILDEBRAND: I'm not sure how you put  
 21 physically put that kind of a volume of water into an  
 22 offshore storage facility.  
 23 How are you going to do that?  
 24 MR. YAEGER: We are talking about volumes  
 25 of water -- rather flow rates in the order of 175 to

1 You can't show the distinction and so we are talking about  
 2 picking up pieces of this and it's never in the cards that  
 3 you, you know, chop this off and move all of that into a  
 4 reservoir somewhere.  
 5 MR. HILDEBRAND: If, on the other hand,  
 6 your increased storage is by raising one of the dams,  
 7 whether it be Friant Dam or Shasta Dam, then you could  
 8 capture that.  
 9 EXECUTIVE DIRECTOR SNOW: Probably not  
 10 that volume. I don't think there is any structure that can  
 11 capture that volume.  
 12 MR. HILDEBRAND: At least a substantial  
 13 portion of it rather than 5,000 cfs, something like that.  
 14 EXECUTIVE DIRECTOR SNOW: Well, a piece of  
 15 it.  
 16 MR. YAEGER: I do want to point out one  
 17 other important feature and that is that we've talked about  
 18 this big spike here but, for instance, you see this second  
 19 hydrograph spike in the May, June time period and again we  
 20 would be considering the ecological function needs in  
 21 trimming water off of the hydrograph above that point but  
 22 the operation would be molded to protect these needs for  
 23 the ecological functions.  
 24 CHAIRMAN MADIGAN: Just a second.  
 25 Pietro.

1 225,000 cubic feet per second.  
 2 The offshore storage facility that we are  
 3 looking at and modeling would have a diversion capacity of  
 4 some where around four to five to six thousand cubic feet  
 5 per second so you are only able to take a very small amount  
 6 of this total volume that's moving down the river during  
 7 that time frame, of course. So it's -- I think -- but it's  
 8 reflective of what you see here.  
 9 These little slices you see here are reflective  
 10 of what the Federal and State pumps can take at a total  
 11 combined capacity right now of about -- that 12,500,  
 12 something like that.  
 13 EXECUTIVE DIRECTOR SNOW: If I could make  
 14 a comment, and Alex's question is a good one because we've  
 15 noticed in other arenas where when we've described this  
 16 we've created the impression that at some level, like 40 or  
 17 50,000 cfs then our plan is to take every flow over that  
 18 and that just is not remotely in the cards.  
 19 That when we talk about -- you may remember, I  
 20 don't know, when we first started talking about skimming  
 21 the hydrograph type of thing, and I'm not sure that that  
 22 was a useful phrase but nonetheless when we talk about  
 23 doing this at over some level, you know, where we've got  
 24 fish protection we are talking about picking up, you know,  
 25 literally 5,000 cfs, that you can't plot on some of these.

1 MR. PARRAVANO: What year is that graph  
 2 from?  
 3 MR. YAEGER: 1995 and '96. It kind of  
 4 goes off the bottom there.  
 5 These are actually measured and computed flows.  
 6 Let me move on to then looking at the  
 7 operations of south of Delta Storage and begin to orient us  
 8 here.  
 9 We've talked about north of Delta Storage, the  
 10 way we move water into storage.  
 11 In this alternative we still are utilizing the  
 12 existing pumping plants, State and Federal in the South  
 13 Delta and we've added some what we call aqueduct storage  
 14 that is off the Federal and State aqueducts south of the  
 15 Delta.  
 16 The way that this operation would work, and,  
 17 again, keep in mind these ecological function needs which  
 18 would be the starting point for defining the operation,  
 19 this is a little plot from an operation study we've done.  
 20 Again, it's a single scenario among many that  
 21 could be looked at, but what it represents, and, again, the  
 22 blue lines are the types of pumping patterns that exist  
 23 today that you would see with alternative 1A, and the green  
 24 lines then represent the types of pumping patterns that we  
 25 could accomplish utilizing the full capacity of the plants,

1 the existing pumping plants, and the flexibility that the  
 2 south of Delta storage gives us.  
 3 What we chose in this operation was to aim at  
 4 trying to look at an April May time frame to try and shift  
 5 pumping and, again, you could -- in other scenarios you  
 6 might choose to look at shifting pumping in all those  
 7 months but this one just represents a look at those two  
 8 months.  
 9 And you can see that what we have done is we  
 10 have reduced in a wet year -- I'm going to show you a wet  
 11 year operation and then we have a dry year operation -- in  
 12 a wet year operation you've reduced the pumping from the  
 13 South Delta plants by about 50 percent, and again you could  
 14 set different targets and reduce those further or reduce  
 15 them less, and shifted the pumping in the storage and in  
 16 the aqueduct up into January, February, March and December.  
 17 So what this illustrates is the kind of  
 18 flexibility that the south of Delta Storage gives you to  
 19 shift pumping to accomplish both ecosystem goals and as you  
 20 can see from the difference in the magnitude of these green  
 21 bars as opposed to these, it also shows you that the shifts  
 22 in flexibility contribute to shoring up water supply  
 23 reliability as you are moving additional water in these  
 24 high flow months into storage south of Delta that can be  
 25 utilized later in the system later in the year or later in

1 average -- a reflection of average ecological values over a  
 2 period of years? Or was that just taken from one certain  
 3 year?  
 4 MR. DANIEL: We are trying to get across  
 5 the concept of a very generalized picture across years.  
 6 One of the things that is very important in the  
 7 ecosystem restoration program that we are putting together  
 8 is to develop more resiliency in the system, provide more  
 9 options for the species that are dependent on the system,  
 10 frankly in part so that they can suffer the hit that occurs  
 11 when we get these critically dry years with much more  
 12 resiliency.  
 13 But this is very theoretical, very generalized  
 14 just to get across the concept that peak flows in the upper  
 15 portions of the river tend to be much more narrow. As the  
 16 water moves down the river the dependency on flow and the  
 17 reliability of flow broadens out over time.  
 18 MR. PARRAVANO: You know what I would like  
 19 to suggest that would probably help me in trying to compare  
 20 this hypothetical ecological value over a period of years  
 21 is also to see the flows and the pumping patterns over a  
 22 period of years as opposed to just the 1995-'96 year.  
 23 I think you'd probably have a better reality of  
 24 what actually is going on would come out as opposed to just  
 25 choosing one year.

1 the hydrologic cycle.  
 2 MR. DANIEL: Steve, before you take that  
 3 one off, a couple of quick comments just for clarification,  
 4 this is water year 1980, precedes the listing of winter run  
 5 Chinook salmon and Delta smelt. Under today's conditions  
 6 those blue lines during April or May most likely would be  
 7 lower than the green lines because the constraints  
 8 associated with the Endangered Species Act in the system.  
 9 It just emphasizes again the desirability of  
 10 having more flexibility.  
 11 MR. YAEGER: Exactly. To show you  
 12 quickly, in a dry year operation -- we can field whatever  
 13 questions you have -- again, it's the same type of pattern  
 14 that you see.  
 15 We are able to shift from April, May, June  
 16 pumping into in this case it was March, January, December  
 17 and November. February was probably a very low flow month  
 18 and that's why there wasn't much shift there. But again we  
 19 can accomplish that shift. It's a much lower shift in this  
 20 case, somewhere in the order of about 33 percent of the  
 21 total, total rate, but that's kind of the function of the  
 22 different year type.  
 23 CHAIRMAN MADIGAN: Pietro.  
 24 MR. PARRAVANO: I have a question.  
 25 In the overhead here on the left is that an

1 MR. DANIEL: The reality is that  
 2 operations for water supply for urban and ag purposes tend  
 3 to reduce the December-January flow because they're trying  
 4 to fill up storage off of the aqueduct south of the Delta,  
 5 tend to reduce the flow on the other downward side of the  
 6 hydrograph because they are putting water into storage  
 7 following the flood season and also tend to diminish the  
 8 amount of outflow from the Delta during the May, June,  
 9 July, et cetera time period because they are pumping water  
 10 for irrigation purposes.  
 11 And so it has shrunk down that range of flow  
 12 that normally moves into and through the Delta and that's  
 13 some of the problem that we are trying to address.  
 14 CHAIRMAN MADIGAN: Lester.  
 15 EXECUTIVE DIRECTOR SNOW: Yeah.  
 16 I wonder -- I know we are moving into the lunch  
 17 hour and I also know that several people have to leave in  
 18 early afternoon. I wonder if I could take just no more  
 19 than three more minutes to very quickly run through  
 20 alternative 3B and I know that Stu and Mary have been  
 21 thinking about this a little bit, maybe could make some  
 22 comments before we break for lunch.  
 23 Would that be okay?  
 24 CHAIRMAN MADIGAN: That would be fine.  
 25 EXECUTIVE DIRECTOR SNOW: Okay. 3B ups

1 the ante. I mean, this is the alternative that adds a  
 2 completely new feature into it.  
 3 Of course, it has the common programs. We are  
 4 we are still utilizing the full pumping capacity as  
 5 happened in 1C. We are moving to the more efficient fish  
 6 screens. We've got storage, this is a large storage  
 7 alternative, as well as surface storage as well as  
 8 groundwater.  
 9 We've got the Delta channel improvements in  
 10 terms of the through-Delta, modifying the channel capacity  
 11 to move water from the Sac side to the large exports. And  
 12 so it's almost like you could draw a line here then you  
 13 have alternative 2B but when you then move down and add an  
 14 isolated facility it becomes alternative 3B. Now you have  
 15 a dual system. So without the isolated facility 3B is a  
 16 through-Delta configuration.  
 17 Again, the intertie and the issue of the timing  
 18 and water quality and the operational flexibility.  
 19 Again following the configuration we've been  
 20 using you're seeing storage comparable to alternative 1C, a  
 21 lot of Sac Valley storage. We have added in-Delta storage.  
 22 We have 5,000 cfs isolated facility, remember that the full  
 23 pumping capacity is 15,000 cfs. We've got the channel  
 24 increased capacity in the north Delta and south Delta  
 25 channels, which can include integration of habitat into the

1 of the change in the way you are operating the system.  
 2 You end up reducing some of the emphasis on  
 3 treatment for total organic carbon in the Delta because you  
 4 have a higher source of water coming around and, again, you  
 5 can use the storage, since there is storage kind of in four  
 6 locations, Sac Valley, in-Delta, the San Joaquin side,  
 7 aqueduct side, you can use that to manage salinity and  
 8 other constituents in the system.  
 9 Dick maybe hit the concerns real quick and then  
 10 maybe we can go to BDAC members to kind of discuss some of  
 11 these issues.  
 12 MR. DANIEL: Assurances, assurances,  
 13 assurances, concerns about diversions and new storage and  
 14 under this alternative although we go quite a ways we don't  
 15 totally deal with concerns about entrainment of fish eggs  
 16 and larvae in the South Delta.  
 17 EXECUTIVE DIRECTOR SNOW: I hope the point  
 18 of Dick saying assurances four times is well taken.  
 19 Probably the biggest concern that comes up when  
 20 we have such an elaborate system is how do you know it's  
 21 going to be operated right and that comes from every  
 22 quarter. I mean, that's not just the environmental  
 23 interests saying "How do I know the operators are going to  
 24 make sure I get my benefits". It's also the water users  
 25 saying "How do we know when we build something like that

1 wide configurations that we showed on the graphic earlier.  
 2 We are looking at as much as two million acre  
 3 feet of off aqueduct storage in order to model this and an  
 4 additional half million acre feet on the San Joaquin side  
 5 as well as groundwater and so this has got a lot of things  
 6 going on in it, a lot of changes in the system.  
 7 It shows basic configuration up in this area.  
 8 Again, this is increased channel capacity and can be  
 9 integrated with a wide wetlands corridor and similar kinds  
 10 of changes to the south Delta configuration with the  
 11 isolated facility.  
 12 And this has of course a fish screen here as  
 13 well as fish screening for the through-Delta configuration.  
 14 Some of the differences are probably obvious in  
 15 this.  
 16 However, one thing that is probably a real  
 17 specific feature that when you have this north of Delta  
 18 storage you can use it to reduce how you operate Red Bluff  
 19 without it having the water supply impacts that can provide  
 20 a specific ecosystem benefit.  
 21 How you deal with the in-Delta agricultural  
 22 diversions in the screening changes because of the  
 23 existence of an isolated facility, you probably lessen the  
 24 need for some of the barriers and you can increase these  
 25 south and Central Delta habitat activities, again, because

1 that we get some water supply out of it" so it's probably  
 2 one of the biggest issues.  
 3 The other one that I would add to a  
 4 configuration like this is Tom Graff's first question, how  
 5 much does it cost? This obviously is a very expensive  
 6 alternative and that has to be one of the concerns.  
 7 CHAIRMAN MADIGAN: Eric.  
 8 MR. HASSELTINE: Lester, you said that  
 9 that alternative had 5,000 cfs isolated facility but that  
 10 the pumping capacity was 15,000 cfs.  
 11 Does that mean if you operate at that pumping  
 12 capacity that 5,000 is just coming through the isolated  
 13 facility and the other 10,000 is coming down in the  
 14 through-Delta?  
 15 EXECUTIVE DIRECTOR SNOW: it could but in  
 16 this configuration what you have is flexibility so there  
 17 may be occasions because of salmon migration on the Zack  
 18 river, salmon smelt migration that you don't want to divert  
 19 anything off of the Sacramento River.  
 20 MR. HASSELTINE: Meaning you'd cut back  
 21 the pumping then just defined.  
 22 EXECUTIVE DIRECTOR SNOW: Right. And then  
 23 you'd just be pumping out of the Delta and so it --  
 24 MR. HASSELTINE: And what would happen --  
 25 EXECUTIVE DIRECTOR SNOW: Other times you

1 would not be pumping at full capacity and so you may be  
2 pulling three or four through the isolated facility and two  
3 or three out of the Delta.

4 MR. HASSELTINE: What are the implications  
5 then of a subsequent alternative that look at 15,000 cfs  
6 isolated facility?

7 EXECUTIVE DIRECTOR SNOW: Well, you have  
8 the potential of at a given point operating at capacity and  
9 not taking any water out of the Delta and obviously you  
10 raised the assurance issues significantly at that point.

11 CHAIRMAN MADIGAN: Did you want any more  
12 questions, Lester?

13 EXECUTIVE DIRECTOR SNOW: Yeah, actually I  
14 think that Mary and Stu have been giving this some thought  
15 and maybe they could start off if that's appropriate.

16 CHAIRMAN MADIGAN: Right. Mary.

17 MS. SELKIRK: I want to start just with  
18 two general comments or questions.

19 The first with regard to alternative 1A, which  
20 obviously implies taking a look at a very thorough and  
21 aggressive demand management approach.

22 One question I had is in terms of a commitment  
23 to a Common Program are we looking at in alternative 1A  
24 demand management or conservation measures or efficiencies  
25 of use that would not then be applicable in all of the

1 And my third point just briefly was what I  
2 raised before.

3 I think it would be helpful -- I don't know if  
4 you happen to have in your toolbox of overheads one that  
5 shows -- repeats again for us the solution principles so  
6 that we can begin to think through how each of these  
7 alternatives meets the solution principles, how well or not  
8 so . . .

9 CHAIRMAN MADIGAN: Okay. Thank you, Mary.  
10 Stu.

11 MR. PYLE: First, I think on the  
12 discussion of the Common Program along with the  
13 alternatives was very good to kind of give an understanding  
14 that all of these things will be operated in there together  
15 when you begin to do any one of these things. One of my  
16 other points is the question that I discussed a little  
17 earlier regarding Delta operating criteria that I hope you  
18 will find some way to bring that into the analysis here,  
19 but I think we need to know more about Delta operating  
20 criteria and the export pumping operations and capacities  
21 and quantities. That is where my interest is in the people  
22 I represent and that I think more needs to be done on that.

23 In terms of the mix of alternatives that you  
24 showed I think there is a problem with assuming that 3B, if  
25 that's the one you have, covers all of the aspects of the

1 other alternatives so that was one question that I had that  
2 I think is worth some -- bears some discussion.

3 And my second -- the second question I wanted  
4 to raise is with regard to water quality across the  
5 alternatives.

6 There are at least on the face of it in this  
7 kind of very rapid run through that we've had this morning  
8 some problems associated with having a strict re-operation  
9 of the existing system without any kinds of major changes  
10 to the configuration of the Delta as we now have it but I  
11 think that looking at water quality implications across all  
12 of the alternatives really, really demands a very thorough  
13 understanding on our part so the financial and treatment  
14 costs associated with the different alternatives.

15 I am not a water quality specialist but I think  
16 we really have to have an understanding rather than having  
17 a kind of a quick run through on the face of it, rejection  
18 of a particular alternative because it implies certain  
19 levels of costs and certain types of water treatment to  
20 meet the drinking water standards that we all know need to  
21 be achieved.

22 I think we really need to have a good  
23 understanding of what exactly we are talking about in terms  
24 of the costs for each of the -- in each of the  
25 alternatives.

1 alternatives in two.

2 It seems to me that you should continue to  
3 bring to the front a two type through-Delta operation with  
4 the input of water in the Hood area, stream pumped water in  
5 the Hood area into that northern eastern portion of the  
6 Delta as an alternative to the isolated canal.

7 I think that there are a lot of operating  
8 capabilities there and I think that as you look at the  
9 variations of that alternative here there are some  
10 environmental shallow water programs that kind of mix along  
11 with that, but it seems to me that if you say that is only  
12 a variation of the isolated canal or the dual that you kind  
13 of lose the fact that it could be a separate alternative  
14 and I would not want to lose that and have that type of  
15 alternative go down under all of the barrage of criticism  
16 of an isolated facility.

17 CHAIRMAN MADIGAN: Thank you. Before we  
18 go on to members of the BDAC I'm aware that Mr. Bobker has  
19 to leave this afternoon.

20 Gary, did you want to go ahead and make your  
21 comment now?

22 EXECUTIVE DIRECTOR SNOW: Could I make a  
23 point real quick as Gary's coming?

24 CHAIRMAN MADIGAN: Sure.

25 EXECUTIVE DIRECTOR SNOW: No, come on,

1 Gary. Just Stu made a very fundamental point, and if I  
2 conveyed that we are not looking at two with the equal  
3 rigor I shouldn't have. I think I just as shorthand wanted  
4 to make a point that this is kind of consistent in terms of  
5 the features.

6 But Stu is right on point.

7 I mean, there may be a whole lot of reasons  
8 that isolated facility is not where we need to go and it  
9 could be costs that end up driving decision and we need to  
10 make sure that we have developed with equal rigor the  
11 through-Delta strategies and we intend to do so and we'll  
12 make sure that when we present it the next time that we've  
13 got a thorough discussion of how through-Delta works and  
14 how you can integrate it. That's a good point.

15 CHAIRMAN MADIGAN: Thanks.

16 GARY BOBKER: By the way I agree with  
17 Stu's point, that we need to look at a wide range of  
18 operating criteria and have a good understanding of what  
19 that range is.

20 The comment I wanted to make had to do with I  
21 think you could get the impression from the conversation  
22 earlier that to the extent that we are looking at CalFed's  
23 identified flow improvements as part of its ecosystem  
24 restoration program plan and it sounded as if those flow  
25 improvements would be looked at to the extent that as we

1 that it may be that you would achieve some of the  
2 ecological time value of water objectives through habitat  
3 that you would through storage so it's important to look at  
4 those synergistically to see if you can achieve  
5 those -- achieve some of those objectives using habitat  
6 that you are going to try to do anyway as part of CalFed.  
7 Conversely there may be effects of putting  
8 habitat in that would affect Water Project operations. So  
9 you need to look at it together. There is also water  
10 quality issues about the proper water quality salinity,  
11 et cetera to support new habitats, wetland habitats,  
12 et cetera.

13 So I would just hope that as we look at how  
14 storage and conveyance elements affect operations that we  
15 also look at how habitat and nonstructural water sources  
16 would also affect operations and benefits.

17 Thanks.

18 CHAIRMAN MADIGAN: Thank you, Gary.

19 Questions?

20 (No response)

21 Observations, thoughts.

22 Members of the -- yes. Ann.

23 MS. NOTTOFF: Can we get some kind of  
24 response to Gary's comments?

25 Because my understanding in the presentation

1 add new storage or conveyance configurations that we look  
2 at the ability of those storage or conveyance  
3 configurations to provide new flows for the environment.

4 I just wanted to make sure that the  
5 consideration of flow improvements to implement the ERPP  
6 wasn't limited only to the storage and conveyance  
7 configurations. Obviously there are other sources of  
8 environmental water and, you know, with or without those  
9 configurations so to the extent that all of these  
10 alternatives are modeled I would hope that acquisitions in  
11 water management strategies which provide environmental  
12 water sources would also be looked at.

13 The other comment I wanted to make relevant to  
14 the flow portion, which is obviously an important part of  
15 modeling is that flow is kind of one of the two big pillars  
16 of the ERPP as far as I can tell and the other one is  
17 habitat.

18 In looking at how you would operate a system in  
19 terms of Water Project operations, yield diversions, et  
20 cetera, the nature of that habitat, the configuration of  
21 habitat, the extent that habitat is going to have a pretty  
22 large impact on your operations, for one thing, it may be  
23 that if you have large scale habitat, floodplain entitled  
24 habitats, you are going to attenuate the flow pattern in  
25 somewhat the same manner that new storage would do. So

1 here was that the alternative -- the one alternatives are  
2 in fact relying on other sources of water for flow and the  
3 ecosystem restoration improvements than in storage and  
4 conveyance.

5 Is that correct?

6 CHAIRMAN MADIGAN: Dick.

7 MR. DANIEL: Yes, it is.

8 And I want to make sure that people understand  
9 that in looking at the flow needs for ecosystem restoration  
10 and the fact that we are looking at the whole system.

11 We are also looking for some improvements in  
12 flow on a seasonal basis on some streams that are currently  
13 not dammed and we do not want to dam them in order to get  
14 some improvements in flow.

15 Therefore, the focus there will be on  
16 conjunctive use and alternative supplies through  
17 acquisition, transfers, et cetera.

18 The other thing that Gary pointed out, and I  
19 can expand on a little bit, habitat in and of itself will  
20 reduce the magnitude of some of our flood flows and  
21 increase the duration under which that flow gets to the  
22 Delta, attenuated the peaks, if you will.

23 Another element that we haven't talked about  
24 enough is our look at the upper watersheds, both the  
25 watersheds above dams and some of the watersheds on

1 undammed streams where we hope to accomplish some of the  
2 same thing by reintroducing this more natural pattern of  
3 flow.

4 That will generate some ecosystem benefits and  
5 quite probably some water supply benefits as well.

6 CHAIRMAN MADIGAN: All right. Thank you.

7 Members of the audience who wish to be heard on  
8 this matter?

9 Alex.

10 MR. HILDEBRAND: I just want to caution  
11 that you don't overlook the fact that some of these  
12 increased habitat proposals are going to consume more water  
13 so they will decrease the water supply.

14 CHAIRMAN MADIGAN: Okay.

15 All right. Then it's 12:30.

16 Lunch is available in Room 105 for members of  
17 the BDAC.

18 Let's take 45 minutes. Be back at 1:15.

19 I am going to be one of those who won't be here  
20 and I have asked Eric to Chair the meeting in my absence  
21 this afternoon. See you all at 1:15.

22 We are in recess.

23

24 (Whereupon the noon recess was taken at  
25 12:30 p.m., after which the following

1 proceedings were had at 1:23 p.m.)

2

3 ACTING CHAIRMAN HASSELTINE: Okay. Well,  
4 we are going to go ahead and get started. I guess people  
5 will fill the back end. We are about ten minutes past our  
6 schedule here so . . .

7 This morning we looked at the three  
8 alternatives and the 16 configurations. There is some  
9 discussion in particular about three of those.

10 Moving on Lester is going to discuss how the  
11 staff will be evaluating the various alternatives and the  
12 process that they are going to go through and following  
13 this we'll have some discussion about whether or not the  
14 alternatives that have been set forth are really adequate  
15 and whether or not the evaluation process will allow us to  
16 move forward into the overall impact analysis.

17 So keep that in the back of your mind and I'll  
18 remind you of it after this presentation.

19 Lester.

20 EXECUTIVE DIRECTOR SNOW: Thank you, Eric.

21 Just to remind you even though we've talked  
22 about three today in an oral way we haven't presented you  
23 much in written which we will. There is really these 16  
24 that exist and each one will have its own physical  
25 description and it's own you can almost call it operational

1 story line and we will be providing that and then the key,  
2 though, is the alternative evaluation process, how we move  
3 from these configurations and how they operate to hopefully  
4 ending up with a preferred alternative.

5 We tend to simply talk about the impact  
6 analysis or the impact assessment process, but one of the  
7 things that's happening is a lot of different activities  
8 going on.

9 We have classic impact analysis that's required  
10 under NEPA and CEQA so that you're picking the least  
11 damaging, most practical alternative.

12 We also have what we call prefeasibility and,  
13 that is, continuously developing additional detail, the  
14 kinds of things that came up in the discussion this  
15 morning.

16 So even while we are working with impact we are  
17 attempting to develop additional detail, developing  
18 implementation strategy, which is the assurances and  
19 finances and we do want a discussion of assurances once I  
20 go a little more through the evaluation process and then  
21 there is various regulatory issues down the line that you  
22 have to make sure you develop the right kind of information  
23 for.

24 One of the biggest one in a process like this  
25 is under the Clean Water Act, it's Section 404(b)(1) and

1 that's the one that requires you to make sure that you are  
2 looking at all of the alternatives and that you are picking  
3 the least damaging, most practical alternative.

4 Additionally there is other types of permits  
5 and issues we have to look at, such as the Endangered  
6 Species Act compliance, consideration of developing a  
7 habitat conservation plan as part of this and looking at  
8 water rights and water quality standards.

9 And so all of that is going on in helping to  
10 serve the process of screening, recombining, reducing the  
11 number of alternatives and configurations through an  
12 iterative process until ideally we end up with a single  
13 alternative.

14 And this stuff we copied for your packet,  
15 particularly this table, which we know is barely legible  
16 when viewed from the back of the room.

17 But again we have the three alternatives, the  
18 16 configurations.

19 We have impact analysis taking place based on  
20 ability to meet the program objectives and then we have  
21 ecosystem water supply, water quality and system integrity,  
22 the four program goals.

23 Those in turn are broken down into their  
24 specific objectives, such as within the ecosystem program  
25 aquatic habitat, wetlands habitat and species population

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1 health and size, which you may recall from over a year ago  
 2 are the objectives of the program.  
 3 And then included in impact assessment are the  
 4 adverse impacts.  
 5 This is where you start chronicling the results  
 6 of your evaluation from NEPA and CEQA and as we discussed  
 7 this morning determining consistency with the solution  
 8 principles.  
 9 In fact early on when we are getting  
 10 configurations put together and discussions you probably do  
 11 a first test here with solution principles to make sure  
 12 that you are not developing a basic structure that just  
 13 doesn't work in terms of the solution principles so that  
 14 you'd do some refinement before you get into the detailed  
 15 assessment here.  
 16 And assuming that you do that then you continue  
 17 to evaluate and try to make determinations about high,  
 18 moderate and low compliance within the objectives or impact  
 19 and then again a solution principle test.  
 20 And I guess to kind of tip you off to the kind  
 21 of complexity and the detail that we are headed to each one  
 22 of these cells is comprised of another cell or another  
 23 matrices.  
 24 So on this one where we have water quality,  
 25 water quality consists of how performance for drinking

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1 water, agricultural, industrial, recreational and  
 2 environmental water quality issues so we pick off one of  
 3 those, drinking water and it in turn has a number of  
 4 considerations, bromide, total organic carbon all the way  
 5 to pathogens and turbidity and so again you try to do  
 6 scoring based on the different configurations and then from  
 7 that scoring try to determine an overall performance with  
 8 respect to that specific agenda or objective.  
 9 This obviously is a very iterative process.  
 10 You kind of keep feeding back through this all these  
 11 different nested matrices that compromise this and the net  
 12 result is to attempt to move from the 16 through a logical  
 13 process of screening and evaluating, modifying as necessary  
 14 until you get a high performer at the end of this.  
 15 And then a companion with that is the  
 16 implementation strategy.  
 17 You are also developing that as you go.  
 18 You may be able to improve the performance in  
 19 one area by developing an assurance.  
 20 And you may find that something does not  
 21 necessarily perform well in terms of a solution principle  
 22 or even an objective because of the wide variability of how  
 23 somebody could operate something.  
 24 And so you actually then can improve the  
 25 performance, particularly in solution principles, by

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1 addressing assurances and how that can be operated.  
 2 So that's kind of a quick summary of the  
 3 alternative evaluation process, where we are headed with  
 4 it.  
 5 ACTING CHAIRMAN HASSELTINE: Okay.  
 6 Questions?  
 7 Tom and then --  
 8 MR. GRAFF: How will you deal with  
 9 uncertainty?  
 10 For example, when Dick was going through his  
 11 potential problems with dual conveyance I noticed he did  
 12 not mention the fish screen at Hood, yet my impression is  
 13 this would be one of the largest such structures in world  
 14 history and we don't know much about how it would really  
 15 operate. So how do you get away from just having a  
 16 question mark on a critical point like that?  
 17 EXECUTIVE DIRECTOR SNOW: I don't think  
 18 you have -- I guess I wouldn't put it as a question mark.  
 19 You have to identify that as one of the  
 20 uncertainties and -- particularly as you're assessing the  
 21 solution principles and you are looking at durability in  
 22 particular and the ability to reduce conflicts and that  
 23 sort of thing (indicating) I think what you end up with,  
 24 potentially for -- say a 15,000 cfs facility, if you have  
 25 great uncertainty as to whether you can ever screen that,

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1 it may start driving you to look at some other  
 2 configurations where you have less uncertainty.  
 3 And that's what's -- becomes so important about  
 4 the solution principle part of this, is that gives you the  
 5 place as you are evaluating to really deal with I mean  
 6 facts -- I don't mean to say you are not dealing with  
 7 facts -- but also judgments of how these pieces are fitting  
 8 together and if you can not come up with a reasonable  
 9 articulation of your strategy if you can not adequately  
 10 screen 15,000 cfs it tends to drive you to look at  
 11 modifications to the structure.  
 12 So I don't have a specific response in terms of  
 13 here is how we'll handle this uncertainty but I know where  
 14 it comes to a head as we go through this evaluation.  
 15 ACTING CHAIRMAN HASSELTINE: Tom Maddock.  
 16 MR. MADDOCK: Lester, I wonder if you  
 17 could mail out that evaluation matrix and then the  
 18 submatrix?  
 19 That's very good. We can't really see it and I  
 20 realize it is illustrative of what you view the process but  
 21 it would really help if we could get that in the range of  
 22 alternatives here.  
 23 Thanks.  
 24 EXECUTIVE DIRECTOR SNOW: We intended to  
 25 include that in the blue folder and you may want to check

1 and see if it's in yours.  
 2 ACTING CHAIRMAN HASSELTINE: Alex.  
 3 MR. HILDEBRAND: You've referred at times  
 4 to where there's a range of ways to operate something; for  
 5 example, doing a book end thing you look at one extreme  
 6 versus another but it would seem to me that you would also  
 7 want to examine what you believe to be the optimum --  
 8 EXECUTIVE DIRECTOR SNOW: Right.  
 9 MR. HILDEBRAND: -- because sometimes the  
 10 extremes might each have much greater impacts than  
 11 something in between.  
 12 So I know you'd hate to go to more than 16 now  
 13 but maybe you really have to look at more than that in  
 14 order to find out -- you have to sort of optimize each of  
 15 the 16 first --  
 16 EXECUTIVE DIRECTOR SNOW: Yeah.  
 17 MR. HILDEBRAND: -- rather than just look  
 18 at book end them and then compare among the 16, and even  
 19 disregarding this enormous assurance problem the question  
 20 is how good would it be if it were operated in a manner  
 21 that you think would optimize that facility.  
 22 EXECUTIVE DIRECTOR SNOW: Alex is  
 23 absolutely right.  
 24 The book ending is kind of informative but you  
 25 could never make a decision based on the two book end

1 and then describe some of the concerns that are raised by  
 2 the alternatives and describe to you the process that the  
 3 assurances BDAC work group that Hap Dunning Chairs is  
 4 working through, along with staff, some of these issues and  
 5 some idea of the schedule that they are on as well.  
 6 First so that we are all on the same  
 7 wavelength, we've defined assurances as a process to assure  
 8 that a solution can be implemented and operated or will be  
 9 implemented and operated as agreed.  
 10 Now, granted, there is going to be uncertainty  
 11 and we can't predict every eventuality or protect the  
 12 ultimate solution from every eventuality so there will also  
 13 have to be a process to develop a procedure. What happens  
 14 in the future if a key element of a program component  
 15 cannot be implemented, it's one that we didn't foresee?  
 16 Then there would be a process defined upfront  
 17 so everybody understands is not necessarily what the  
 18 resolution is but at least how you are going to get there,  
 19 what steps will be taken, and that is the task that Hap's  
 20 work group has taken on.  
 21 The need for assurances arises from a number of  
 22 differing sources but it's the basic nature of the  
 23 solution.  
 24 The solution is going to be a long-term  
 25 solution. It may be implemented over a number of years, 20

1 pieces of data.  
 2 You have to come up with reasonable operating  
 3 regime and then kind of go from there, make your  
 4 modifications, and, in fact, we are attempting do that.  
 5 I think we have to book end first and then try  
 6 to find that reasonable range of operation.  
 7 If there is no other questions, I guess what  
 8 I'd like to do is -- you know, I made a couple references  
 9 to the assurances, how you tie these pieces together, so I  
 10 think it's appropriate to spend a little bit of time on  
 11 assurances because, in fact, when we get into discussion, a  
 12 lot of your response to us may be, "Well, that  
 13 configuration could work but how do we make sure it works?"  
 14 And so I wanted to have Mary Scoonover talk a  
 15 little bit about our assurances effort and how these pieces  
 16 fit together.  
 17 MS. SCOONOVER: Thank you.  
 18 We've talked assurances, oh, probably a year or  
 19 more ago just in a really broad, general sense.  
 20 With Hap's work group having met now some six  
 21 or seven times and with the program moving forward to  
 22 further refine the alternatives we are able to get to a  
 23 greater level of specificity than we've been before.  
 24 What I'd like to do today is talk a little bit  
 25 generally about assurances and how they fit into program

1 years or so, and there has to be a way of assuring that an  
 2 action, whether identified to be implemented in the first  
 3 year or in the 20th year actually will happen and that  
 4 phases makes sense logically that they are tied together so  
 5 that there is some assurance that if a particular piece of  
 6 the puzzle you are interested in isn't scheduled to be  
 7 implemented for a number of years, you have some level of  
 8 confidence that it really will happen, that there is a plan  
 9 and a process to assure that it happens.  
 10 Assurances differ by who is going to actually  
 11 been doing the implementing, what entity will be  
 12 responsible for implementing what aspects of the plan.  
 13 There -- the components themselves are going to  
 14 have hundreds of differing actions within each one. There  
 15 will be a number of differing actions for ecosystem  
 16 restoration. There will be a number of differing actions  
 17 within the water supply reliability element, and those  
 18 elements will -- may be very different.  
 19 The actions taken for ecosystem restoration,  
 20 for example, may be very different from a water supply  
 21 action.  
 22 Hopefully there will be some overlap and there  
 23 will be positive synergy but they are going to be different  
 24 and, therefore, may require different types of assurances  
 25 And, finally, stakeholder concerns.

1 Stakeholder concerns vary according to the location, the  
 2 geographic location of the stakeholder, according to the  
 3 stakeholders' particular views about future water supply  
 4 possibilities and future water needs and what issues or  
 5 interests are particularly compelling to them.  
 6 Examples of some of the concerns that are  
 7 associated or raised by both the draft alternatives that  
 8 were presented earlier as well as the case study that the  
 9 BDAC assurances work group has been using are concerns, for  
 10 example, that the ecosystem restoration program, including  
 11 the flow and habitat actions will be implemented,  
 12 assurances that program costs will be affordable,  
 13 predictable and equitably allocated, concerns that local  
 14 economies and environments be protect from the adverse  
 15 impacts of out of basin water transfers and concerns that  
 16 agreed upon facilities been constructed.  
 17 Now, I don't have the answer today. I don't  
 18 think we will have the answer for quite some time, but I do  
 19 have a process, and also in your handout there is a  
 20 representation of this process with a lot more detail  
 21 filled in.  
 22 I'll get to the detail in a minute but I wanted  
 23 to describe the overall process first.  
 24 What we do know is that there are a number of  
 25 program elements that have to be part of any long-term

1 Issues and concerns are referred to here in  
 2 kind of a shorthand manner, but they are some of the ones  
 3 that we talked about just a minute ago; assurance that  
 4 construction, for example, assurance that the facilities  
 5 that are identified and are part of the solution will  
 6 actually be constructed.  
 7 And then the tools.  
 8 We have listed everything in -- again, all  
 9 options are on the table and we've discussed everything in  
 10 our work group from Federal, constitutional amendments  
 11 through informal agreements and everything in between and  
 12 listed them in kind of a general sense so that we could see  
 13 what tools were available.  
 14 There were a lot of questions raised about who  
 15 is going to implement which element and a strong sense from  
 16 the work group that they wanted to discuss that issue.  
 17 So that seems to us to provide one means of  
 18 getting into draft assurance alternatives. So we have set  
 19 up kind of a spectrum of methods or differing entities that  
 20 could implement the solution and we are looking at  
 21 everything from existing institutions and entities working  
 22 within their existing authorities all the way through some  
 23 modifications of those authorities or relationships to a  
 24 brand-new entity or entities, exercising brand new or  
 25 differing authorities.

1 solution. There has to be a fix for water supply  
 2 reliability. There has to be a fix for ecosystem  
 3 restoration, likewise for levee and channel stability and  
 4 for water quality. So those are what we are identifying as  
 5 components.  
 6 There are also a variety of stakeholder issues  
 7 and concerns and we'll get into those in a little more  
 8 detail.  
 9 There are a number of tools; management  
 10 structures, who implements, who oversees, and the step that  
 11 we are at now in the work group is putting together  
 12 preliminary assurance alternatives, taking these building  
 13 blocks in front, putting together alternatives and to begin  
 14 assessing how effectively they meet the challenge, and we  
 15 have identified in the process a series of guidelines that  
 16 include the solution principles and other things with the  
 17 hope that out of this process we'll come to a preliminary  
 18 package of assurances to be released at the same time the  
 19 Draft EIR/EIS is released.  
 20 That will be refined and then there will be a  
 21 final package of assurances that will accompany the final  
 22 EIR/EIS.  
 23 Now, the left half of the chart that I just  
 24 showed you includes the program elements, and we talked  
 25 about that a little.

1 So, again, we are trying to define the spectrum  
 2 knowing that the answer is clearly going to be in there  
 3 somewhere but not predetermining the outcome.  
 4 We have then taken those entities, the program  
 5 components, the stakeholder concerns, and the tools and put  
 6 together these preliminary alternatives and they are  
 7 referred to here in just kind of a shorthand fashion.  
 8 These alternatives will be the subject of a  
 9 Workshop we are going to be having on May 15th in the  
 10 afternoon where we will actually break into small groups  
 11 and work through some of these alternatives.  
 12 Small groups will be given a single alternative  
 13 or perhaps two and asked some very specific questions,  
 14 "Does this satisfy the solution principles? Does this  
 15 alternative assure the stakeholder concerns that have been  
 16 identified" and work through how to improve those  
 17 alternatives with, again, then those alternatives will be  
 18 measured against the guidelines.  
 19 And the guidelines include everything from  
 20 solution principles for the rest of the program to  
 21 minimizing costs, crafting a package that makes sense  
 22 together so you -- because, again, there are going to be  
 23 hundreds of actions the hope is that if Federal legislation  
 24 is necessary, you have one Federal bill that covers all of  
 25 the issues.

1 You don't have a hundred Federal bills to cover  
 2 a hundred actions. So it's kind of a way of pulling it all  
 3 back together again which also provides higher confidence  
 4 that every aspect of the program is going to be  
 5 implemented.

6 And, again, the preliminary package of  
 7 assurances by fall of '97, along with the EIR/EIS, it will  
 8 be part of an implementation strategy and we'll discuss  
 9 financing in that strategy as well, refinement of the  
 10 alternatives and refinement of the assurance alternatives  
 11 and the financing issues will then result in a final  
 12 implementation strategy to be ready at the time that the  
 13 final EIR/EIS is released fall of '98, and the question  
 14 that was posed to you today in your package is one that I'm  
 15 not certain we can -- you can answer at this time but  
 16 hopefully the process that I just outlined will put you in  
 17 a position to be able to answer this question in the very  
 18 near future and, that is, probably before the selection of  
 19 a preferred alternative.

20 The question was given the level of detail for  
 21 the programmatic analysis what assurances are needed to  
 22 move the alternatives forward?

23 Although some people of questioned how we can  
 24 begin working on an assurances program when we don't know  
 25 what we are assuring I think you all understand the idea

1 terms of lung disease and cancer".

2 If we don't make improvements in water there is  
 3 potential increased costs in water and those costs are  
 4 passed on to other people to pay because of the shortage of  
 5 water.

6 How does that get factored in in terms of the  
 7 concept of minimizing costs?

8 MS. SCOONOVER: I'm glad you asked, Ray,  
 9 because I did not make a very good distinction in my  
 10 discussion of minimizing costs.

11 Within the CalFed Program costs will enter the  
 12 picture at a number of different locations.

13 One is in the design of the substantive  
 14 program. So when the water quality staff people are  
 15 working out a water quality solution, a substantive  
 16 long-term solution, at that point I would imagine they  
 17 would identify not only meeting standards but whether there  
 18 is an indication or whether it's advised to basically  
 19 supersede or get over -- better the standards, achieve  
 20 higher standards than required.

21 The cost of that action of will have to be  
 22 identified and will be factored in and that will happen in  
 23 each of the substantive program components as well as when  
 24 the overall alternatives are put together.

25 For the purposes of assurances what we are

1 that there are some alternatives that may not be viable  
 2 alternatives unless and until you can work out an  
 3 assurance, an adequate assurance.

4 And that is all -- so it's part of kind of an  
 5 iterative process.

6 As I say, the work group has put together a  
 7 case study, made some assumptions about what might be in  
 8 the final alternative to try to get to specific assurances.  
 9 As the alternatives are refined and the preferred  
 10 alternative becomes more apparent we will be able to then  
 11 craft assurances specifically for that alternative.

12 That's all I had unless there is some  
 13 questions.

14 ACTING CHAIRMAN HASSELTINE: Thank you,  
 15 Mary.

16 Any questions?

17 Ray.

18 MR. REMY: Yeah.

19 Mary, in the area minimizing costs I know in  
 20 dealing in air quality we'll talk about the costs  
 21 that -- for certain things to improve the quality of air  
 22 and the burden of those costs and then it comes back from  
 23 others, like the Lung Association, "Yeah, but there is a  
 24 whole set of unintended and indirect costs that if you  
 25 don't improve the air you have incredible health costs in

1 looking at is the fact that there may be differing costs  
 2 associated with differing types of assurance.

3 Now, the highest legal of assurance possible  
 4 for every action may be a good theoretical goal but in some  
 5 instances we may be able get by with a lower level of  
 6 assurance and the costs associated with the differing  
 7 levels of assurance have to factor into that selection.

8 I think that's the manner in which we are going  
 9 to be in the assurances work group dealing with cost.

10 Likewise, there is the financing work group,  
 11 trying to address the overall implications, both cost  
 12 allocation as well as cost benefits from the program. And  
 13 they are going into it in a lot greater detail.

14 Those two pieces will be part of an overall  
 15 implementation strategy.

16 ACTING CHAIRMAN HASSELTINE: Other  
 17 questions?

18 Alex.

19 MR. HILDEBRAND: Mary makes a very  
 20 articulate presentation of a very difficult subject but  
 21 perhaps as sort of a follow-up on this last question, and  
 22 maybe it should be directed more to Lester, is where you  
 23 can't assure the end result it puts a premium perhaps on  
 24 picking an alternative that can be implemented in stages so  
 25 that you take less risk of failure or mal-operation or

1 something with each step that you take and if you build an  
 2 enormous screen it may not work or you put it in an  
 3 isolated facility, you put all of your eggs in one basket  
 4 and you don't know how it's going to work until you get all  
 5 through, whereas if you have an approach and a plan which  
 6 can be implemented by stages you don't spend the money all  
 7 at once and you find out how it works as you move along.

8 I think we've discussed this a little bit in  
 9 the past but perhaps not in connection with the degree of  
 10 assurance you have to have.

11 EXECUTIVE DIRECTOR SNOW: Well, once  
 12 again, I think Alex is right on point on this, that, in  
 13 fact, embedded in the solution principle referred to as  
 14 durability is a statement about flexibility and that has to  
 15 be part of this, that some things you can't -- as Mary  
 16 already indicated -- assure a hundred percent so if you  
 17 have uncertainty about it, then you could try to offset  
 18 that with some flexibility and you can handle that both in  
 19 terms of the way you structure whatever it is that you're  
 20 doing or in the way that you stage implementation so that  
 21 you are getting incremental benefits as you stage.

22 And in that case staging can be a real  
 23 attribute to make an alternative work.

24 What's interesting, though, also is that  
 25 staging presents a challenge on the equitability solution

1 the need for assurance differing by program element is  
 2 exactly the point that you raise and, that is, the adaptive  
 3 management program that's part of the ecosystem restoration  
 4 program presents challenges that may not be presented  
 5 elsewhere by the program components.

6 We, the BDAC work group, have asked the  
 7 ecosystem restoration work group to focus on what specific  
 8 functions an assurance must serve, what specific qualities  
 9 an ecosystem restoration program based on adaptive  
 10 management has to possess, and then we, the assurances work  
 11 group and staff, will try to come up with an assurance that  
 12 does that.

13 Now, adaptive management is by itself very  
 14 definition kind of a moving target, but it is possible, I  
 15 think, to assure that an adaptive management program has a  
 16 fixed income, a fixed and assured income for a period of  
 17 years, that the implementing entity or entities have the  
 18 authority do what they need to do, whether it's hold water  
 19 rights, purchase water rights, purchase property; that  
 20 there are clear goals and objectives defined for the  
 21 project and that there is a clear decision making authority  
 22 that responds to the monitoring input from the -- for the  
 23 adaptive management.

24 So there are pieces of it that we can, I think,  
 25 assure. It can't guess what's going to happen in the

1 principle to make sure that everyone is being treated  
 2 fairly in these discrete stages that you move toward, which  
 3 is what makes this whole effort challenging in terms of  
 4 trying to break these things up into affordable bites that  
 5 have real improvement that has a sense of equity across the  
 6 different interest groups and resource groups.

7 ACTING CHAIRMAN HASSELTINE: Bob.

8 MR. RAAB: I have a thin grasp of what  
 9 you're talking about at this stage.

10 Mary, assurances, so maybe this question  
 11 doesn't make much sense but I've been thinking about where  
 12 does adaptive management fit into assurances?

13 Suppose you have a set of regime of flows and  
 14 you find this regime of flows you expect to export is going  
 15 on and then you find that you are not -- you have to adapt  
 16 to a movement of smelts going down the Sacramento River and  
 17 you've got to think about ESA and other assurances and you  
 18 have adaptive management saying "You've got to cut down  
 19 your -- you've got to send more water down the Sacramento  
 20 River and you've got to slow down your exports".

21 I just wonder how this -- it sounds like a wild  
 22 card in here as far as trying to make assurances work.

23 MS. SCOONOVER: I think that's one of the  
 24 challenges that we face in trying to assure an outcome.

25 And part of my discussion of the differences of

1 future and so, again, we are assuring implementation, not  
 2 necessarily assuring the outcome.

3 MR. RAAB: Just to follow up quickly on  
 4 that.

5 It sounds to me like some assurances have to be  
 6 stronger than others and maybe one of the strongest of all,  
 7 if not the strongest, is that adaptive management would  
 8 have an assurance priority over other assurances.

9 Because what I'm hearing you say it sounds like  
 10 things are going to be in conflict, and who is going to  
 11 win, the fish and the flows or the exports, you know, when  
 12 you have a conflict?

13 MR. MANTELL: This may be overly  
 14 simplistic because this is an incredibly complicated  
 15 subject but one way I think about it is that assurances  
 16 deal with the outcomes you want.

17 We are going to assure you these outcomes.  
 18 Adaptive management is one of the tools by which we are  
 19 going to get to these outcomes, along with a variety of  
 20 other tools.

21 So we are going to assure you that there is  
 22 going to be this much water in the system for fish or this  
 23 much water in the system for other uses and we are going to  
 24 use a variety of tools by which to get there, adaptive  
 25 management being one of them.

1 That's at least how I thought about it.  
 2 MS. SCOONOVER: I also think that we in  
 3 the assurances work group are not going to resolve the  
 4 basic conflicts that exist between fish and export water  
 5 use, that the basic fashioning of how these relationships  
 6 will exist in the future is going to be part of the  
 7 substantive solution, how the pie is cut is not up to the  
 8 assurances work group.  
 9 Once the program is identified, once the  
 10 allocations have been made it's up to the assurances work  
 11 group to try to present alternatives to you all and then to  
 12 the State and Federal agencies as to how to assure that the  
 13 program, the agreement that's been made, can be implemented  
 14 and give people confidence to believe that it will be  
 15 implemented and will be operated as the agreement.  
 16 So I expect the ERPP to -- and the water supply  
 17 reliability components when they are combined into an  
 18 alternative to address as squarely as they can that  
 19 distinction, how the water is allocated, under what  
 20 conditions, in what amounts, and then it is turned over to  
 21 my work group and Hap's work group for the assuring that  
 22 that can be implemented, that the understanding that's been  
 23 reached in the substantive program can actually be -- can  
 24 be implemented on the ground.  
 25 ACTING CHAIRMAN HASSELTINE: Thanks.

1 assurances group to think about.  
 2 MS. SCOONOVER: This question that you  
 3 raise about the source of funding and the certainty of that  
 4 source of funding is definitely a paramount question.  
 5 Whether that rests solely with the assurances  
 6 work group or not is an issue in my mind, however.  
 7 I think that one of the functions that the  
 8 ecosystem work group may tell us they need is a secure and  
 9 guaranteed funding source for X amount of dollars.  
 10 That I assume will be translated to the finance  
 11 folks who are going to try to figure out the options of  
 12 meeting that.  
 13 Then we the assurances work group will look at  
 14 it and say, "Okay, if you pick this method of financing  
 15 here are the uncertainties, if you pick this method of  
 16 financing here are the uncertainties, here are the  
 17 advantages, disadvantages but it's going to cost you  
 18 clearly a lot more where there is not any connection  
 19 between this program component and another".  
 20 So it's not solely within our purview to kind  
 21 of reach the answer to what is a very significant question.  
 22 MR. MADDOCK: Yeah, I agree with that and  
 23 I'm speaking on behalf of the finance work group to get  
 24 that issue on the table but there is a linkage between the  
 25 two is my point.

1 Tom Maddock.  
 2 MR. MADDOCK: Yeah, just a quickie here,  
 3 following up on Bob's example there, which I thought was a  
 4 good one.  
 5 And if -- and then translating that into the  
 6 financial aspects of implementing the program.  
 7 Well, if the stream of income from water users,  
 8 that is, diverters, is based on a certain amount of water  
 9 and then for some reason that amount of water is not  
 10 available, like the example that he illustrated, then the  
 11 stream of income changes, that impairs the financing of the  
 12 project because the people that buy the bonds are relying  
 13 on some stream of income that they have any sense.  
 14 Okay. How can you deal with that?  
 15 And what is the assurance that the stream of  
 16 income, for example here, is there to support the  
 17 financing?  
 18 I mean, to me that is a very fundamental  
 19 assurance and I think the type of example that Bob brought  
 20 up is a very good one for the group to think through and  
 21 say "How do you do it?"  
 22 I mean, maybe those are just isolated instances  
 23 when you do the operations and you have a reserve fund or  
 24 something, but, anyway, it seems to me that that is  
 25 probably one of the most important issues for the

1 MS. SCOONOVER: Yes.  
 2 MR. MADDOCK: And you can be sure that  
 3 that's going to come through the finance work group.  
 4 ACTING CHAIRMAN HASSELTINE: Ann.  
 5 MS. NOTTOFF: One of the things I was  
 6 thinking about, I guess, also in terms of priorities, how  
 7 are you dealing with the fact that some assurance  
 8 strategies could be accomplished with a greater degree of  
 9 certainty than others?  
 10 For example, you come up with the best  
 11 assurance strategy that would require an act of Congress.  
 12 That's much less certain than you relying on existing  
 13 statutory authorities or legal authorities.  
 14 Would you give us a range of, you know, we know  
 15 we can do this but we'd really like to do that but it's  
 16 going to -- you know, it's going to be harder to do or it's  
 17 less likely to do?  
 18 How do you handle that?  
 19 MS. SCOONOVER: I think your right.  
 20 There are differing levels of certainty  
 21 sometimes needed for each assurance concern.  
 22 Certain things can be assured if there is a  
 23 secure funding source. Other things will require actual  
 24 authorization through Federal legislation or some other  
 25 means so there are differing levels of certainty with what

1 you need, what the assurance need is.  
 2 Likewise, as you described there are differing  
 3 levels of certainty that you are actually going to get the  
 4 assurance mechanism that you've identified and pros and  
 5 cons with each.

6 What I envision, particularly in this  
 7 preliminary report, is a range of options.

8 In order to assure this program element we have  
 9 to meet these functions or these identified characteristics  
 10 that the other work groups have provided us. Here is a  
 11 range of ways to meet those assurance needs and here are  
 12 some of the pros and cons.

13 Although Federal legislation may provide you  
 14 with a higher level confidence it's going to take a while  
 15 to get the legislation passed and there is no guarantee  
 16 that you can predict the actions that Congress will take.

17 So all of those, plus the cost of going through  
 18 it, all of those items will be called out and then at a  
 19 certain point there will be a decision making or an advice  
 20 role for this body in passing along its advice to the State  
 21 and Federal agencies about "We realize this level of this  
 22 assurance may be difficult to obtain. However, no other  
 23 level of assurance will provide the certainty that we need.  
 24 Therefore, we think it's worth the advice" and then it will  
 25 be up to the State and Federal agencies and, hopefully,

1 being implemented over a long period of time.  
 2 ACTING CHAIRMAN HASSELTINE: Roger.  
 3 MR. STRELOW: I think as our work group  
 4 under Hap has progressed on this we have indeed focused  
 5 principally on assuring that specific actions would be  
 6 taken but I think that Mike raises a good point and one  
 7 that we ought to factor in and I think can. In certain  
 8 areas it may be more useful and more meaningful to try to  
 9 assure an outcome, particularly when you don't know exactly  
 10 which is going to be the best route to get there but it  
 11 seems if it is reasonable and not just pie in the sky to  
 12 assure an outcome that probably ought to be what we try to  
 13 do and leave the means somewhat open and I think adaptive  
 14 management may fit precisely into that category because you  
 15 can't vary to say we're going to restore the ecosystem  
 16 through an adaptive management system doesn't really tell  
 17 you much. It's some of the goals, the ultimate outcomes,  
 18 that you might like, if you can -- to the extent that they  
 19 are feasible.

20 So I would just -- I think we ought to, you  
 21 know, reflect that back into our system a little bit and I  
 22 think there are examples of where the outcome might  
 23 actually be more realistic to assure than a particular  
 24 method.

25 On the other hand, I think it is important from

1 they have been part of these discussions to determine how  
 2 to go about actually implementing that with, again,  
 3 stakeholder support and advice.

4 ACTING CHAIRMAN HASSELTINE: Lester, did  
 5 you --

6 EXECUTIVE DIRECTOR SNOW: No, thanks.

7 ACTING CHAIRMAN HASSELTINE: Okay.  
 8 Hap.

9 MR. DUNNING: I just wanted to make a  
 10 point about the terminology, going back to Michael's  
 11 comments a few minutes ago, I think what we are trying to  
 12 do, Michael, is seek to assure implementation of the  
 13 preferred alternative that's adopted by the CalFed which to  
 14 my mind at least is something different from assuring  
 15 outcomes.

16 For example, you could have a preferred  
 17 alternative that's designed to restore ecological  
 18 functions. To me that would be the outcome, the  
 19 restoration of the ecological function, that may or may not  
 20 happen. We hope if the alternative is well designed and  
 21 things go well that it will happen, of course, but it may  
 22 not.

23 Our group I don't think is trying to assure  
 24 outcomes but rather that whatever is decided as a preferred  
 25 alternative has as good a chance as possible of actually

1 all of us who have been kind of active in it to be really  
 2 sure that there is a big caveat. And, that is, that, for  
 3 example, every time I see the word assurances I am thinking  
 4 in my mind reasonable assurances because in the best of all  
 5 worlds there are just so many obstacles and impediments  
 6 that you can readily think of that will, you know, keep us  
 7 from having anything like absolute assurance of many  
 8 things.

9 I mean, just one example is even if you get a  
 10 Congressional enactment, you know, what you'll get,  
 11 particularly in funding, you'll get an authorization.

12 All that means is that appropriations  
 13 committees in succeeding years with new elections and  
 14 whatnot and a lot of other priorities may or may not choose  
 15 to appropriate anything like what has been authorized.

16 And there are just a lot of other things where  
 17 you may just not even be able to conceive of a mechanism  
 18 that is really going to give you very great assurance. So  
 19 it seems to me we all need to be sober as we go forward to  
 20 say, look, we are all committed to doing the best that we  
 21 possibly can but recognize that, you know, when we get to  
 22 that point, when the EIS and EIR is done, et cetera, we  
 23 ought not to kid ourselves into thinking we are going to  
 24 have some sort of ironclad guarantees because I just think  
 25 the realities, despite best efforts which I'm sure we'll

1 all give, are going to fall a bit short.  
 2 MS. SCOONOVER: Eric, if I could just --  
 3 ACTING CHAIRMAN HASSELTINE: Go ahead.  
 4 MS. SCOONOVER: The final document will be  
 5 a programmatic document which includes some level of  
 6 generality and, therefore, assurances will have to have  
 7 some level of generality.

8 The assurance is going to be commensurate with  
 9 the information that is contained in the decision so you  
 10 cannot have general level of information and a very  
 11 specific assurance.

12 It's kind of a tension, an ongoing tension,  
 13 because people want certainty but certainty may --  
 14 absolutely certainty or absolute guarantees as Roger points  
 15 out are impossible in this process. So as we get greater  
 16 information the assurance will get more specific but  
 17 because of the programmatic nature at this point the  
 18 assurance are still somewhat general.

19 ACTING CHAIRMAN HASSELTINE: Tom Graff.

20 MR. GRAFF: Yeah.

21 I mean, I can't get my arms around that  
 22 question, but if it rephrase it a little bit I come up with  
 23 an example which I want to present.

24 If the question up there were given the level  
 25 of detail for the programmatic analysis when and to what

1 it's absolutely essential that we have a good idea of what  
 2 assurances are being proposed, what's feasible as we look  
 3 at the alternatives because I think they have to be looked  
 4 at concurrently.

5 ACTING CHAIRMAN HASSELTINE: Mike.

6 MR. MANTELL: I think based upon

7 experiences we've had in other parts of the state on  
 8 complex plans one issue that needs to be looked at in this  
 9 context and I don't know whether it's being done by this  
 10 group or another group, is what processes need to be set in  
 11 motion should the assurances not be -- should we not be  
 12 getting at the assurance that we thought we were.

13 We put in place a lot in these plans of what's  
 14 going to happen over a 20-year horizon and then we need to  
 15 build in benchmarks to re-evaluate where we are, make  
 16 adjustments, but if certain things don't happen the way we  
 17 had thought, whether biologically, fiscally or otherwise  
 18 it's really important to have in place open processes to  
 19 re-evaluate those assurances and make some new judgments or  
 20 commitments.

21 Because as good as we may be we cannot  
 22 completely determine how this stuff plays out over the  
 23 long-term.

24 ACTING CHAIRMAN HASSELTINE: Well, I think  
 25 that the discussion thus far and building on what Ann said

1 extent will specific assurances be analyzed relevant to  
 2 that program, then I think you can debate that question as  
 3 to specific assurances.

4 And the one I want to bring up is the one  
 5 that's contained in the letter that I sent to Lester a  
 6 couple weeks ago on the State Water Project.

7 I mean, from the point of view of the  
 8 environmental community I think a key assurance as we move  
 9 forward is going to be a limit on the commitments of water  
 10 that the State Water Project will continue to make.

11 From the point of view of the State Water  
 12 Project contractors they are either going to want to keep  
 13 the existing commitment of four point something million  
 14 acre feet or at least not have that diminished very much.

15 And I think that that is a key issue for  
 16 analysis and it ought to be done soon.

17 ACTING CHAIRMAN HASSELTINE: Okay.

18 Ann.

19 MS. NOTTOFF: Well, in terms of timing I  
 20 get I was heartened to hear that we will in fact get to see  
 21 some of these preliminary recommendations for assurances as  
 22 we are starting to look at the alternatives because I  
 23 think -- and I would like to encourage that we have more  
 24 and more discussion about assurances at BDAC because I  
 25 think this is really where the action is going to be and

1 in the various presentation and the question that's on the  
 2 screen there, it just seems that, you know, the whole focus  
 3 of BDAC is really beginning to narrow and it is pointing  
 4 toward some very specific questions that need to be  
 5 answered as we begin to move forward.

6 We've come from a very broad perspective  
 7 following a certain set of objectives and principles,  
 8 analyzing a lot of individual actions and then beginning to  
 9 combine them in what seemed to be the optimum or most  
 10 efficient manner.

11 As we have moved into Phase II now we are  
 12 getting to the point where we really have to define what  
 13 this program is all about and I guess following Lester's  
 14 presentations this morning and this afternoon the question  
 15 really that BDAC has to address and the program is asking  
 16 us to address is whether or not we really have an adequate  
 17 set of alternatives right now for evaluation.

18 And so at least if anybody has any comments on  
 19 that today we want to address that.

20 If not, we want you to be thinking about that  
 21 before our next meeting because we are going to be moving  
 22 into the impact analysis.

23 We have this iterative loop as was mentioned  
 24 between assurances and alternatives.

25 The cost issue has been brought up. The

1 operational criteria has been brought up. I mean,  
 2 decisions are going to really be made to narrow this down  
 3 even further so that we are just not in an endless loop and  
 4 it's going to be a sad thing if when we get to the end of  
 5 this we have a bunch of people saying "Well, why didn't you  
 6 think about this? Why didn't you think about that?"

7 And so now is the time to really be thinking  
 8 about whether or not these alternatives really cover, you  
 9 know, all of those issues that each of us has brought to  
 10 this table.

11 We have all sat here since the start as sort of  
 12 holding our issues and our priorities and then seeing how  
 13 this process unfolded but this is the opportunity now to  
 14 make sure that whatever it is that you are concerned about  
 15 is adequately addressed. So is there any further  
 16 discussion on the alternatives or assurances this  
 17 afternoon?

18 Ann.

19 MS. NOTTHOFF: Well, just a question  
 20 really and, that is, that given the increasing importance  
 21 of this work group is this one of our relatively good  
 22 functioning work groups?

23 I mean, is this group -- work group --

24 MR. DUNNING: (Inaudible)

25 MS. NOTTOFF: I mean, we have a range of

1 Is there anything in --

2 MR. REMY: One last question.

3 ACTING CHAIRMAN HASSELTINE: Yeah, go  
 4 ahead, Ray.

5 MR. REMY: Lester, maybe you can help me,  
 6 we are in the NCAA suite 16 now if I read the chart right.

7 I understand how UCLA got eliminated because  
 8 they lost the game.

9 Could you explain to me how the alternatives  
 10 are going to get down to the quarter finals around A and  
 11 the time frame by which decisions are made.

12 EXECUTIVE DIRECTOR SNOW: As an alumni of  
 13 Arizona -- they didn't lose any games. That's basically  
 14 the difference there, Ray.

15 Well, I think, you know, the process is that we  
 16 start dropping the kind of data into this process that  
 17 people have been talking about for some time to really  
 18 start refining how these pieces fit together, starting to  
 19 do analysis. You see kind of a tighter depiction of how  
 20 they operate and starting to get some handle on how they  
 21 perform in each of these areas and so over the subsequent  
 22 meetings you'll see us bringing back in that information  
 23 and it's just kind of an incremental waiting process will  
 24 take place.

25 You start seeing ones that just don't perform

1 how well these function but --

2 MR. DUNNING: That's what the evaluation  
 3 process (inaudible) (laughter)

4 ACTING CHAIRMAN HASSELTINE: We are not  
 5 going to rate work groups.

6 MS. NOTTOFF: I mean, it's a work group  
 7 that's in relatively good shape? Does it need any tweaking  
 8 or anything?

9 No, okay.

10 EXECUTIVE DIRECTOR SNOW: I guess I'd just  
 11 make an observation.

12 I think one of the tests of whether we are  
 13 ready to do something is the kind of diversity of the  
 14 people attending, the stakeholders that are showing up at  
 15 these meetings and if I remember right, Hap, at your last  
 16 meeting there was a pretty broad cross-section of the  
 17 different stakeholder communities there and I think there  
 18 is an increasing focus now on this issue and I think  
 19 actually the attendance at Hap's meetings and I'm talking  
 20 about the people sitting in the audience will be  
 21 increasing.

22 So I think we are ready to move there. Is that  
 23 your assessment also, Hap?

24 ACTING CHAIRMAN HASSELTINE: Okay. There  
 25 is no further comment.

1 and no matter how you change them it doesn't really make  
 2 them perform a whole lot better and basically by the end of  
 3 summer, early fall we're at a process of starting to  
 4 identify those that seem to be doing the better job with  
 5 the least impacts.

6 And it is our -- continues to be our target  
 7 that in November of this year we will be able to release a  
 8 Draft EIR with a preferred alternative in it. So that's  
 9 the schedule we are on and it's an extremely aggressive  
 10 schedule but as long as we can keep having these kinds of  
 11 dialogue I think it helps us refine our analysis and try to  
 12 develop better decision information.

13 ACTING CHAIRMAN HASSELTINE: Okay.

14 Do we have public comment on discussion this  
 15 afternoon so far?

16 Mr. Petry.

17 MR. PETRY: Yes. When we talk about  
 18 assurances I think that has to be analyzed and I think it's  
 19 an important factor.

20 Look what happened with the San Luis drain.  
 21 They didn't complete it. They saved money and look what  
 22 happened. We didn't have any assurances at that time, and  
 23 when you talk about stakeholders. When you talk about  
 24 stakeholders and you are talking about how many people are  
 25 going to be affected and how they are going to be affected.

1 Is it going to be a beneficial use or is it  
 2 going to hurt them? Is it going to help the habitat and  
 3 the wildlife? Is it going to help the fish? Is it going  
 4 to help the community?  
 5 And then how many benefits can you get out of  
 6 an acre foot of water in its use from its origin to its  
 7 destination?  
 8 We have to think about multiple use water. Use  
 9 it to its ultimate before you waste it.  
 10 And then we talk about cost factors. If you'll  
 11 weigh the benefits of multiple users over water that you're  
 12 using, the benefits could be enormous.  
 13 All these things had to be taken into  
 14 consideration. How do you put a price on bringing back the  
 15 fish?  
 16 How do you put a price on bringing back the  
 17 habitat?  
 18 How do you put a price on helping water  
 19 quality?  
 20 All these factors have to be taken into  
 21 consideration.  
 22 Then you look at the cost factors. Then you  
 23 can come up with assurances that will be of benefit to you.  
 24 Thank you.  
 25 ACTING CHAIRMAN HASSELTINE: Thank you.

1 of the same parties.  
 2 ACTING CHAIRMAN HASSELTINE: Good point,  
 3 good suggestion.  
 4 Okay. Moving on is Patricia Ryan or Judy Kelly  
 5 here?  
 6 SHARON GROSS: Actually, Judy's not but  
 7 I'll go ahead --  
 8 ACTING CHAIRMAN HASSELTINE: Sharon Gross.  
 9 SHARON GROSS: The first thing I want to  
 10 do is to introduce -- we have two new people working for us  
 11 in public affairs.  
 12 We have a new public information officer and  
 13 her name is Patricia Ryan -- oh, good, she is even here, in  
 14 the back there (indicating). She will be replacing Judy  
 15 Kelly.  
 16 And then we also have Sammy Cervantes from the  
 17 Bureau of Reclamation --  
 18 ACTING CHAIRMAN HASSELTINE: She is  
 19 replacing Mary Kelly.  
 20 SHARON GROSS: Pat Ryan. I meant Mary  
 21 Kelly. Don't anyone tell Judy, okay?  
 22 And then we also have Sammy Cervantes from the  
 23 Bureau of Reclamation (indicating) and she is going to be  
 24 with us for a couple months, also, kind of helping us with  
 25 public affairs.

1 You are right on target. You are talking about some of the  
 2 cost benefit type of issues that we've been looking at.  
 3 Any other comment on this -- on those subjects?  
 4 Okay. Then --  
 5 MR. GRAFF: Eric, I have one more comment.  
 6 ACTING CHAIRMAN HASSELTINE: Tom.  
 7 MR. GRAFF: Maybe this will be helpful to  
 8 Hap, Mary and others in the assurances group.  
 9 One thing that maybe is worth looking at is  
 10 recent agreements that have been reached within the water  
 11 community in California, maybe more broadly but  
 12 particularly there because a lot of the same actors are  
 13 involved and how successful have they been -- those  
 14 agreements been, where have they been successful, where  
 15 have they not been successful and learn some lessons.  
 16 I mean, one that's very immediate and of  
 17 concern to us is the use agreement for the drain.  
 18 Mr. Petry's comments made me think about that.  
 19 I know environmental interests and Contra Costa  
 20 County interests have some concerns, current concerns with  
 21 how that agreement which is very recent is being  
 22 implemented and how they are -- you know, it's only a few  
 23 months old and some of the proponents of use of the drain  
 24 are already trying to change elements in the agreement. So  
 25 I mean that's a very current issue and yet it involves many

1 You all have a copy of the public involvement  
 2 calendar and I'm not going to walk through that piece by  
 3 piece but I'd just refer you to that. We have a lot of  
 4 work groups going on.  
 5 We have an impact assessment Workshop at the  
 6 end of the month and we will actually start talking about  
 7 some of the tools for impact assessment, and then I also  
 8 want to point out the next BDAC Meeting on May 22nd.  
 9 Hopefully you all can get that on your schedule and then  
 10 we'll have the opportunity to work through the rest of the  
 11 alternatives many and if anybody has any questions, I can  
 12 answer them -- well, maybe not but --  
 13 MR. GRAFF: Sharon, what happened to the  
 14 Bay Area meeting?  
 15 ACTING CHAIRMAN HASSELTINE: It got  
 16 dropped.  
 17 SHARON GROSS: Was that one Judy had set  
 18 up?  
 19 ACTING CHAIRMAN HASSELTINE: That was  
 20 supposed to be last month.  
 21 MS. NOTTHOFF: It was supposed to be in  
 22 the Bay Area.  
 23 SHARON GROSS: Oh, the BDAC Bay Area  
 24 meeting?  
 25 ACTING CHAIRMAN HASSELTINE: Yeah.

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1 SHARON GROSS: We do need to try to get a  
 2 BDAC Bay Area meeting.  
 3 That actually is my fault.  
 4 Probably not May because I think I just signed  
 5 a contract but hopefully the one after that I'll definitely  
 6 try to get in the Bay Area.  
 7 ACTING CHAIRMAN HASSELTINE: Good.  
 8 MS. NOTTHOFF: It looks like we have some  
 9 public -- the public meetings coming up.  
 10 Do we have -- we have some new strategies for  
 11 getting a broader and a more diverse group of people to  
 12 attend those or how -- are you still looking for mailing  
 13 lists and things like that to help augment the outreach?  
 14 SHARON GROSS: Yeah. I don't think we've  
 15 had any of the -- you know, the broader public meetings,  
 16 what we would call the generalized public meetings that  
 17 we've actually had in the past where we kind of go out and  
 18 do work, things in the evening. Most of these public  
 19 meetings we have a CalFed public meeting which is kind of,  
 20 you know, a general opportunity. We hope to have the  
 21 CalFed agency, the higher level people there just to kind  
 22 of take public comment in general. We had one of those  
 23 last July and this is kind of a, you know, semiannual  
 24 almost event.  
 25 And then the impact analysis public meeting is

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1 much more specialized, just on impact analysis, but you are  
 2 thinking more in general just of the evening meetings that  
 3 are more focused on the general public as opposed to people  
 4 who are interested in specific items?  
 5 MS. NOTTOFF: Well, I thought I heard  
 6 earlier that when the ecosystem restoration program plan  
 7 comes out there is going to be public review and public  
 8 hearings on that, is that on here?  
 9 SHARON GROSS: Those are not on this.  
 10 MS. NOTTOFF: Are those going to be in the  
 11 end of May or 45 days after the end of May?  
 12 SHARON GROSS: We caught Dick. He is not  
 13 paying attention.  
 14 EXECUTIVE DIRECTOR SNOW: The dates are  
 15 not set on those meetings. We had the Workshop on the 8th  
 16 and actually at the Workshop made a request or an offer to  
 17 people that wanted to sponsor some of the regional  
 18 discussions of the ecosystem program to contact us so we  
 19 would expect to have meetings out in a region, like a  
 20 meeting in Red Bluff to talk about the ecosystem program in  
 21 the Sac Valley and the tributaries and in the upper  
 22 watershed. And so those are developing and Dick made  
 23 reference to having a more formalized Public Workshop on  
 24 the ecosystem restoration program right before the end of  
 25 comments but I don't believe you have selected a date.

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1 Is that correct?  
 2 MR. DANIEL: Mid-July. Mid to late July.  
 3 MS. NOTTOFF: And so will these regional  
 4 meetings be occurring, do you think, during June or --  
 5 EXECUTIVE DIRECTOR SNOW: Go ahead, Dick.  
 6 MS. NOTTOFF: I'm just trying to get a  
 7 target in terms of outreach and organizing when we would be  
 8 trying to get people to --  
 9 MR. DANIEL: The sooner the better.  
 10 And what I've been trying to do is invite  
 11 groups to invite us on their schedule to come when they are  
 12 going to convene so we can get dual purpose out of the  
 13 meetings.  
 14 I've got one scheduled for Monday. I've got  
 15 one scheduled for next Friday.  
 16 MS. NOTTOFF: You mean meeting at existing  
 17 meetings they will be making a presentation?  
 18 MR. DANIEL: Marcia Brockbank invited us  
 19 to talk to the Channels Islands and Levees group on the 3rd  
 20 of May or 2nd of May, et cetera, et cetera.  
 21 I am looking for pre-existing meetings or when  
 22 a group can convene a caucus or a group of like minded  
 23 individuals to come to these things.  
 24 I'd like them to be small and I'd like them to  
 25 be focused. I'd like them to be focused on the regional

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1 issues to the extent that that can possibly happen.  
 2 MS. NOTTOFF: So you are ready on do that  
 3 now but then the groups -- well, they won't have a draft  
 4 program plan until the end of May for them to react to?  
 5 MR. DANIEL: That's correct. However, I  
 6 think the summary gives folks an awful lot to react to and  
 7 that's its intent, is to stimulate those discussions.  
 8 ACTING CHAIRMAN HASSELTINE: Yeah, Ray?  
 9 MR. REMY: Am I correct that in June we  
 10 will be meeting on the 26th?  
 11 It's kind of helpful for the folks, except for  
 12 us like who are retired that have those dates more than  
 13 just three weeks in advance for a BDAC Meeting.  
 14 Is the 26th the date or is that still up in the  
 15 air, of June?  
 16 ACTING CHAIRMAN HASSELTINE: The June BDAC  
 17 Meeting.  
 18 SHARON GROSS: Actually, I don't think  
 19 we've picked a June BDAC Meeting yet.  
 20 MR. REMY: It's real helpful to have more  
 21 than three weeks' notice, I think, for a lot of folks.  
 22 SHARON GROSS: Okay. We'll definitely try  
 23 to get them scheduled out in advance.  
 24 ACTING CHAIRMAN HASSELTINE: Maybe  
 25 especially with the summer coming up. As soon as that's

1 done, just notify everybody --  
 2 SHARON GROSS: sure.  
 3 ACTING CHAIRMAN HASSELTINE: -- and not  
 4 wait until the next BDAC Meeting.  
 5 Okay. Any other comments? (No response)  
 6 Okay. Any public commentary, anything at all?  
 7 (No response)  
 8 Okay.  
 9 MR. GRAFF: Eric, are we about to adjourn?  
 10 ACTING CHAIRMAN HASSELTINE: Tom.  
 11 MR. GRAFF: I wanted to make a comment. I  
 12 think, maybe Rosemary ought to really comment. I  
 13 understand that you are going back to Washington next week,  
 14 at least I heard that over lunch, to testify?  
 15 MS. KAMEI: Yes, I have been asked to  
 16 represent the urban water users before the house  
 17 appropriations committee -- for the house resources  
 18 committee and that will be happening on Thursday of next  
 19 week and it will be to testify for the 143 billion that's  
 20 in the President's budget.  
 21 MR. GRAFF: I think Rich Gall (phonetic)  
 22 on behalf of the NCWA and Leslie Freeman-Johnson on behalf  
 23 of the Nature Conservancy are going to join you, it's my  
 24 understanding, on that panel.  
 25 MS. KAMEI: That is correct.

1 STATE OF CALIFORNIA }  
 2 COUNTY OF SAN JOAQUIN } ss.  
 3 I, SUSAN PORTALE, Certified Shorthand  
 4 Reporter of the State of California, do hereby certify:  
 5 That on the 10th day of April, 1997, at  
 6 the hour of 9:41 a.m., I took down in shorthand notes the  
 7 said witness' testimony and the proceedings had at the time  
 8 of the giving of such testimony; that I thereafter  
 9 transcribed my shorthand notes of such testimony by  
 10 computer-aided transcription, the above and foregoing being  
 11 a full, true and correct transcription thereof, and a full,  
 12 true and correct transcript of all proceedings had and  
 13 testimony given.  
 14  
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 17

18 \_\_\_\_\_  
 19 Certified Shorthand Reporter in and for the  
 20 County of San Joaquin, State of California

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 \*-----\*

1 ACTING CHAIRMAN HASSELTINE: I think Sunne  
 2 is going, also.  
 3 MR. GRAFF: I just want to say that that's  
 4 good news that we still have an unified coalition back  
 5 there and I also wanted to publicly credit the Governor for  
 6 writing a fine letter in support of that appropriation.  
 7 ACTING CHAIRMAN HASSELTINE: Very  
 8 important.  
 9 Okay. Then I guess we are adjourned until  
 10 May 22nd.  
 11 Thank you all very much.  
 12  
 13 (Whereupon the BDAC Meeting adjourned at 2:30 p.m.)  
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